

City Council Regular Meeting Transcript – 11/09/2017

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[9:57:43 AM]

Austin city council meeting November 9, 2017

[10:11:19 AM]

>> Mayor adler:we're able to honor all of our city employees who were veterans, those serving in the guard and the reserves. And this week we're going to honor all veterans, thanking them for their service to our grateful nation. So if you would please rise and stand for the posting of the colors, the national anthem, and then please remain standing for the sounding of taps.

[🎵 National anthem 🎵]

[10:14:19 AM]

🎵 Taps]

🎵 Taps

>> Mayor adler:chaplain

>> Please join me in prayer. Dear lord, gored, as we are particularly mindful today of the freedom we share as Americans we ask for your blessing upon this ceremony and this year's veterans day. We thank you, lord, that we live in a country that provides us the privilege to vote for our elected leaders, we thank you, lord, we live in the state of Texas, which has a rich heritage of patriotism, honor and duty, and we thank you, lord, we live in the city of Austin which provides such diversity yet unit and great opportunity. We acknowledge there are over 2,000 veterans currently working in the city of Austin and approximately 250 in the National Guard and reserves with multideployments to Iraq, Afghanistan and elsewhere. We thank you for their willingness to serve in this capacity and that we have so many people in Austin who have chosen to be a part of our great military for a season of their lives.

[10:16:25 AM]

Question ask that you, lord, would comfort and bless the family members of our friends here in Austin who have lost a relative in combat. Please bring peace to the families and remind them of the noble purpose for which their loved one sacrificed so greatly. We if you tore the bravery of fellow warriors and stand united with the families that feel this loss and pain the closest. Please help our currently deployed troops to serve well, accomplish their mission, and to sense the genuine support of their family and friends back home. We thank you for the true words of major general William B. Oicon special forces retired who said "No matter what your situation god promises in his word he will never leave you nor forsake you." Remember, god is always there, call on to him. Help us to be more consistently calling upon you for wisdom and direction, both in our lives as individuals, but also as Texans and veterans of this great state and country. In the powerful and mighty name of Jesus I choose to pray, amen.

>> Amen.

>> Mayor Adler: Please be seated. I'm going to ask our own city of Austin employee capital contracting officer and air force veteran Rolando Fernandez to come up. I'm asking Rolando to accept this proclamation on behalf of all city of Austin employees who are veterans and those that are serving in the reserve and in the guard. Proclamation, be it known that whereas with honor and distinction, generations of servicemen and women have stepped forward to take an oath to support and defend constitution of the united States, wear the uniform with broad, fought to win Independence and to serve the legacy of peace they have given our grateful nation.

[10:18:29 AM]

Whereas we have come together to recognize our distinguished veterans whose services allowed our country to prosper and live in freedom today, tomorrow, everyday, we also take this time to rib and

honor the memory of those who did not return home. And whereas on this day we celebrate and honor our veterans for their patriotism, love of country and willingness to serve and sacrifice for the common good, we salute the Americans who protected our freedom in years past and to those who continue to protect it today. Those soldiers, sailors, airmen, Marines, coast guardsmen have rendered the highest service that Americans can offer. And whereas on this important day I urge all austinites to give special thanks to America's sons and daughters who have served valiantly in the united States armed forces and to show their appreciation to those who have defended their ideals on which our nation was founded. Therefore, I, Steve Adler, mayor of the city of city of Austin Austin proclaim November 9, 2017, as veterans day. Thank you to all those who served.

[Applause]

>> Thank you.

>> Mayor Adler: Do you want to say something?

>> Good morning, Austin. I'm a little nervous here. On behalf of the 2,000 plus city of Austin employees who are veterans or actively serving in the guard or reserve, I'm humbled to receive this proclamation. Thank you, mayor. Thank you, council. Thank you, city manager, art. It's been ten years now since the city of Austin began this program of serving and taking care of their veteran employees. Mayor will, mayor leveling well, city manager Marc Ott were big servers of that effort.

[10:20:35 AM]

A couple weeks ago when we had an event and I was saying remarks about how proud I am to be a city of Austin employee, my family and I are blessed to be city of Austin team members. It's a great organization. For many reasons, but one of those particularly important to me is the support they provide to veteran employees and members that have to go out and serve their country while being in the reserves or the guard. And when I think about sort of the connection between the air force and the city of Austin, I think about a couple of things. The primary one is when I was deployed, you know, we all work to get the job done and do it the best that we can, right? And we had this value of service before self, that regardless of the job, you do the job the best that you can, right? Regardless of the sacrifice, you do the job the best that you can. Well, that carries out here in the city of Austin as well, regardless of the job, you have employees from every department, from every rank, every position, putting the city of Austin first before themselves. And the second thing is regardless of where you're from, ethnicity, gender, age, didn't matter, you had each other's back and your primary goal was to get the job done and come back safe. That's the same thing we have here in the city of Austin, regardless of what department, gender, ethnicity, age, where you come from, our job is to get the job done and come back safe, right? So thank you, mayor, thank you, councilmembers, thank you city manager hart. Appreciate it.

[Applause]

[10:22:35 AM]

>> Mayor Adler: I think 2100 of our city employees are veterans. That's a big number. I think we have over a couple hundred that are on active service now or in reserves in the guard. It's a big part of our family here. All right. So I think that get us to our meeting. I'm going to call us to order. It is Thursday, November 9, 2017. It is 11:22 A.M. We're in the city council chambers here at 301 W. Second street. Council, let's take a look at the agenda after we do changes and corrections. Item number 4 is postponed to 12/17, items 18, 38, 42 have been withdrawn. That was 18, 38, as well, and 42 have been withdrawn. Item number 30 was recommended by the water and wastewater commission with a 7-1 vote, with commissioner Keller voting against and commissioner Michael recusing, item 82, zoning and platting commission recommendation to grant general services overlay cs-co combining district zoning, item 83 is to grant family residents historic landmark neighborhood plan, sf-3-h-np, combining district zoning and item 87, this was approved by the planning commission on a 10-0 vote with vice chair Kazzi and commissioner Shizler recused and commissioner Anderson absent. Item 96 is withdrawn and will appear and will appear on the December 7 agenda.

[10:24:48 AM]

We have some items that have been pulled, items 15 and 16 have been pulled by the law department so they can make a brief presentation. Item 26 has been pulled by councilmember Kitchen, and item 46 has been pulled by councilmember Kitchen and Flannigan. We have some items that have been pulled for speakers. Those items are number 12, 30, 50, and 88. Okay? The consent agenda this week is items 1 through and including 54, and then also on the addendum items 88, 98, and 90. We have some speakers to speak on the consent agenda. Is there any other items that people want to pull before I pick the people to speak on the consent agenda? Mayor pro tem?

>> Tovo: Mayor, I'd like to -- I believe 12 pulled for speakers. I'd like to pull 11 as well, the other parking item, and also item 30.

>> Mayor Adler: Item 30 has already been pulled by speakers. That's okay. Anything else? Ms. Houston.

>> Houston: Just for a couple of quick questions, item 3, 11, 19, 47, 49.

[10:26:58 AM]

Then on 94, we're not there yet, I need that to be a time certain of 4:00. Those two are together, 94 and 95.

>> Mayor Adler: Let me make sure I got all these, Ms. Houston. You're pulling items --

>> Houston: Three, 11, 19, 47, 49.

>> Mayor Adler: 3, 11, 19, 47, and 49.

>> Houston: And a time certain of 94 at 4:00 P.M.

>> Mayor Adler: When we get to 2:00 you're going to move to have that heard no earlier than 4:00.

>> Houston: Right. Just telegraphing.

>> Mayor Adler: Okay. Anything else to be pulled before we take speakers on the consent agenda? All right. Mr. Pena, do you want to come down and speak to us?

>> Mr. Mayor, you made an error when you said we're former veterans, we're all veterans once, past, present, whatever.

>> Mayor Adler: Thank you.

>> I just wanted to politely correct you. According to the list, start with number 19, having to do with an ordinance amending city code chapter, et cetera, regarding indigency. I used to be a --

>> Mayor Adler: 19 has been pulled.

>> It's been pulled?

>> Mayor Adler: By Ms. Houston.

>> I'm sorry. I got the wrong one then.

>> Mayor Adler: That's okay.

>> So that's -- has 34 been pulled too.

>> Mayor Adler: 34 has not been pulled.

>> I'll speak about 34. One of the things I would like to make sure actually is why do we have to -- why do we have to negotiate a contract with something to provide permit plan review services? Don't we have enough city employees doing that already?

[10:28:58 AM]

If it's a humongous situation, then let's get somebody else to do it instead of having to pay a company, a contract up to -- it says for up to five years for a total contract of 1,900,000. I just -- I don't see that, Mr. Mayor. I don't see that wise and prudent expenditures for our taxpayer money. And so, anyway, I'm going to leave it at that. I didn't really have to speak on anything else other than the ones that have been pulled, but this is -- I will say this much, Mr. Mayor, not only do we have veterans that work for the city of Austin, but veterans out there in the community. A lot of us United States Marines don't look for recognition. We don't need that. But it's good to have, and sometimes it's not done. But, you know, I want to thank the city for recognizing the city employees that are military veterans. It's very, very crucial that we honor their service to our country and other countries freedom, safety, and democracy. I'll leave it at that and speak on the other items when it's appropriate it thank you.

>> Mayor Adler: All right, sir. Thank you. Bobby lavinski. I have you speaking on item 3. Oops, pulled, I'm sorry. We'll get to that when it gets pulled. Thank you. How about Barbara saley. Item number 45.

>> Hi, I'm Barbara saley from lost creek, looks like you'll pass 1910 leaving on the consent agenda, which is great. I support it. This is by no means the broad fix needed but it's incremental change for the good as long as our rights to appeal have hearings are denied if they're not compromised in any way as they were between March of this year and the present.

[10:31:11 AM]

I understand that's been taken care of. In the future I'm going to ask you to support an outside meter. Meter read audit. We've had a problem with meters being estimated and then caught up. So I would support a high flat rate per gallon to make that problem moot. I know that you depend on the \$150 million general revenue transfer. I know you'd be bankrupt without that at present spending. And I know that 85% of the current expenditures are on police, fire, and ems, so I accept that a need that. So I would suggest a flat rate that would bring in that same amount with the first couple thousand gallons free, whatever 80% mfi, 60%, whatever you choose tends to consume. I know feared reduction of revenue is only half the objection, with the main objection being conservation based. Under a flat rate if you use more you spend more. I believe there's no evidence higher water users are using more per square foot. Many simply have slightly larger lots, which do a service to the city by providing impervious cover, filtering water down to the aquifer and reducing flooding. If you can't agree on a flat rate I'd ask you to consider cutting some of the tiered punitive rate. I live in lost creek, annexed by you recently, it's recently annexed neighborhoods like us who appreciate the enormity of the utilities cost since we were paying for city water before at a much lower rate. The last thing I'd ask, in the process make sure that trust is retained for residents. We know that in the past sometimes Austin water has had incorrect facts when they were addressing you, and it's very important that when they're talking about neighborhoods'

water usage that they always have the facts correct, that if they name residences that those are actually from the neighborhood that they're talking about. These are all future goals.

[10:33:11 AM]

Today I'm glad that you're going to vote for agenda item 45 and I thank you for this good start.

>> Mayor Adler: Thank you. Mr. Flannigan.

>> Flannigan: Sorry, jumped the gun. I wanted to thank you. I know several offices, especially mine, are working on this issue. I've had many neighborhoods across my district report these outlying water bills so I don't consider today's vote to be the end of the discussion. I don't think anyone should consider this to be the final word. We are still looking at a year-long evaluation process we're trying to work with our community to get a real handle on the source and the cause and the challenges around solving this problem, and that's in addition to, I know, Austin water is proceeding with automated meters and there's a multiyear process to get automated metering out there. So there are a number of initiatives going on right now but my hope is that we get to the bottom of where these high water bills are coming from and not just start cutting water bills for those who have well aware enough to report it. It is a bigger issue and I wanted to assure you many of our offices are working on it.

>> Thank you, councilmember Flannigan.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Thanks for being here and thanks for your support of the resolution. I just wanted to let you know since you mentioned the external audit that we have asked the auditor to do a review of the external audit that we requested about a year and a half ago when we went through that whole thing with -- well, we went through the similar process at the utilities committee when we used to have the utilities committee, and that audit was really eye opening because it did show that the meter reading was exceeding the error limit that was outlined in the contract. We have a new contract now with a new vendor, and I have requested that the auditor take a look at the things that were highlighted in that external audit and see if we're still having those issues and, if so, what can be done.

[10:35:13 AM]

And of course if that doesn't provide us with all of the information that we need, I will absolutely support another external audit because I think that was really helpful in our discussions and kind of proving that there were -- I think ultimately there were over 2,000 meters that were being -- that at that

time during that audit had been incorrectly read in the city of Austin so, you know, I think it's a multipronged approach and one we need to make sure that the meters are being read properly to begin with and address that problem, and then also to provide consumers protections when there is an error that's made. So thanks so much. Appreciate it.

>> Real quick --

>> Mayor Adler: Thank you.

>> Councilmember Flannigan mentioned smart meters, it turns out the same harsh conditions that make reading our current readers hard interferes with the digital read. I just want to point that out. Thank you. Thank you very much.

>> Mayor Adler: Thank you. All right. David king. Andrew Dobbs is on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. I want to thank the veterans and honor my dad who was a veteran and passed away from his injuries decades later from his service in the Korean war and my uncle whose body still has not been found in Korea. So thank you to the veterans. And I'm honored to use the privilege that they have fought for for us to speak to you and to represent our concerns to our elect officials. So thank you to our veterans. I'm speaking on item number 24, about the vacation of 8470 square feet of right-of-way on Viola street, also known as Christopher street in the Bouldin creek neighborhood. According to an Austin monitor information the appraised value is \$27,987 for about 8,700 square feet of city publicly owned property.

[10:37:22 AM]

That comes out to \$3.30 square feet. I'll buy that land any day any time I get a chance to do that and I wonder is this in the public interest to sell this property in this prime location for such a low price? And I check tcad and the properties immediately adjacent also owned by first street highlands lp property right adjacent to this vacated property going for \$58.56 market value on tcad. Another property immediately adjacent 12.21, another two cents 1.3 cents all of those are well above the \$3.30 so I think the public deserves an explanation about why the property is going for such a low price and why the public interest is served in vacating this property. Also item 39, outsourcing the collection of delinquent utility account, we heard about the water utility bills and concerns about mistakes there and customers ending up with incorrect bills and even losing -- potentially using water utility. I worry if we outsource the collection of delinquent utility bills that those companies will be -- have a vested interest in really shutting down utility account and really putting the pressure on low-income utility customers who can't afford to pay their bills and getting testimony them into this endless cycle of fees and delineations and all of these issues so I hope will council will put controls on this contract to make sure that doesn't happen, these folks are treated fairly and respectfully and not used as a way to collect more money for these companies. And on item 90, renaming Robert E. Lee Jeff and Jeff Davis drive, I think this is

important and I hope you will expedite the process and the continuation of this process to identify other public streets and buildings that need to be renamed, the buildings and streets with names that perpetuate racism and venerate our racist history, they should be renamed immediately.

[10:39:26 AM]

Thank you.

>> Mayor Adler: Thank you. Andrew Dobbs and Jennifer mcfairly is on deck.

>> Good morning. Thanks for taking a second here. I must have got the same thing. We -- I'm speaking on item 42 pulled by staff about the anti-lobbying ordinance. I was hoping we would be done with this today. We did a lot of work. We got a long ways down the line. I sent an email Monday that outlined there were only a couple policy issues left. I think those were things y'all could have decided upon and that all the parties that have been engaged to this point would have been happy with however they came down. As it stands, I understand there are other stakeholders that did not feel like they got substantial enough seat at the table in this process and I'm looking forward to bringing them in. I will urge you to please direct staff to whatever regard you can to take less than six months on this. We've been working on this for months now. There's no reason that it should take another six months. Last night's zwac suggested three months. I think that's a reasonable time frame. That may be a little long on that end. The other thing I would say is I would ask we start working with the product that has come out of stakeholder negotiations as opposed to earlier staff documents that don't reflect a lot of hours and hours of negotiation. I think if other stakeholders take a look at what we've come up with thus far, especially if we fold in what the erc said, then you'll see that it's a document that is pretty reasonable and that reflect a lot of people's interests, that will change very little pour the -- for the average vendor but will make sure that the city staff is held accountable and that we have a process that's not subject to the same abuses it has been in the past. Just to reiterate, shouldn't take six months and let's start with where we've ended up, not some other point in the process. I'm happy to answer any questions.

[10:41:29 AM]

Thank you.

>> Mayor Adler: Jennifer mcveil. I don't see never. Jennifer was here to speak on item 47.

>> Kitchen: That item has been pulled.

>> Mayor Adler: I'm sorry?

>> Kitchen: That item has been pulled.

>> Mayor Adler: Then she can come back.

>> Casar: Item 88 was pulled because the ems folks signed up for it but I understand that they don't need -- they're okay with conceding their time to speak if it goes on consent.

>> Mayor Adler: Anybody here that needs to speak on item 88? Then we'll go ahead and unpull that.

>> Is that the ems.

>> Mayor Adler: 88, it was the ems. I'm sorry?

>> You're going to allow speakers or not?

>> Mayor Adler: No. It would be people that have signed up for it, people who have signed up for it and wanted to speak on it.

>> [Off mic]

>> Mayor Adler: Mr. Pena you want to come down and speak on that? It was pulled so it's good you pointed that out.

>> Gus Pena. All I have to say is this, I'm hoping that -- and I'm pretty sure it will, interim city manager Elaine hart and Tony, chief Rodriguez, they're both good friends, I've said it before. You know, a lot of people are concerned out there, mayor, saying, hey, who is going to pick us up if we have an emergency, you know? I say call the mayor, call the city manager. You know, I'm ill man from maladies in the Marine Corps but I go out there and try to allay their concerns. They're scared. Aren't we going to have ems service? What's going on? No. We still have it.

[10:43:29 AM]

It's the contract. Please educate the community because right now -- is it like me? You know, they're saying what the heck are you doing out there, Pena? You know, you're not representing us. I don't get paid, mayor, I don't get paid councilmembers, and I don't care. That's what an activist is all about. Elaine, you have a good heart and I know you and everybody else is going to come together on the plate because a lot of people are concerned. They're nervous. What's going to happen? They're going to due away with the old ems and get some other ambulance services. So that's why I wanted to speak, mayor, because a lot of people are concerned, are scared. They're not educated. I'm not saying I'm educated but I know a little about what's going on. I ran for city council twice, J.P. Educate them in your dialogues,

when you speak about the issues, educate the people so they understand. There's so much misunderstanding, okay? Thank you.

>> Mayor Adler: Okay. 88 is back on the consent agenda.

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: I just want to pull 54 just to ask some questions.

>> Mayor Adler: Okay. 54 we'll pull. So on this consent agenda the items that I have being pulled are 3, 11, 12, 15, 16, 19, 26, 30, 46, 47, 49, 50, and 54, as well as -- no. 54. Anything else to be pulled on the consent agenda which goes through items 1 through 54, 88, 89, 90. Yes, Ms. Pool.

>> Pool: Would you show me, please, voting no on consent agenda item number 3.

[10:45:30 AM]

>> Mayor Adler: Okay. That's been pulled.

>> Pool: Okay. Well, never mind.

[Laughter]

>> Mayor Adler: Anything else? Yes, troxclair.

>> Troxclair: I would like to be shown voting no on items number 8, 25, 89, and 90, as well as abstaining from items number 20, 21, 22, 23, 28, and 33. Just a note, you know, item number 8 I'm voting against it because this was a noncompetitive bid and I hope that we are making -- I asked the -- a question and answer to the staff and they did provide an answer, but not until after work session. I wish that I would have gotten the answer before work session so I would have had the opportunity to pull it on Tuesday, but this contractor is the same contractor that just went significantly overbudget on the library, and I don't understand why we would be in a noncompetitive bid situation with a contractor that has recently had poor fiscal performance with taxpayer dollars when it comes to the city. So I just hope we're not in this position in the future.

>> Mayor Adler: Okay. Anything else? Yes, councilmember alter.

>> Alter: I just wanted to point out on item 17 for our calendar, I wanted to thank staff for helping us to identify a dedicated time when we will focus solely on the budget and tax hearing and just so that the public is aware, we will have one of our budget tax rate hearings on August 22. It will start no earlier than 1:00, and that will allow us to have a dedicated time so that people will not be here at 10:00 P.M.

When we start to do our budget hearings for at least one of the times that we're hearing the budget, and I think that we had a commitment to also try to have an attempt as we manage our agenda on the 30th to also be beginning that process for hearing from people on the budget and the tax rate hearing at a reasonable hour since it's a very important activity.

[10:47:40 AM]

Thank you.

>> Mayor Adler: Okay. Is there a motion to approve the consent agenda? Councilmember Garza. Is there a second? Mr. Casar. Any discussion? Those in favor -- oops, mayor pro tem.

>> Tovo: Mayor, the record should show me recused on item 24, and I filed the required paperwork and affidavit with the city clerk.

>> Mayor Adler: Okay. Any further discussion? Those in favor of the consent agenda please raise your hand? Those opposed. Unanimous on the dais with the notations made. Let's take care of some San Francisco these pulled items then. Does legal staff want to come up on 15/16, so we can let you go? What? 15? 16 we're going to discuss in executive session, so just 15 then.

>> Yes, 60 city attorney. Mayor pro tem, councilmembers, I'm here today to recommend that you approve a payment of \$150,000 to settle the Aguado versus Copeland and city of Austin lawsuit as we discussed in executive session last week.

>> Mayor Adler: Thank you. Is there a motion? Ms. Garza makes it. Is there a second? Ms. Pool. Any discussion? Those in favor please raise your hand. Those opposed. Humans -- unanimous on the dais. It's approved. Thank you.

>> Thank you.

>> Mayor Adler: All right. Let's pull up then item number 3. Ms. Houston, you had a question about this. There's one speaker signed up. Do you want to have the speaker first?

>> Houston: Please.

>> Mayor Adler: Mr. Lavinski, do you want to come up and talk to us?

>> Thank you, mayor, council, my name is Bobby Lavinski, I'm here with the

[10:49:44 AM]

[indiscernible] Springs alliance. I'm hoping you'll get another speaker up here, the watershed protection department. They have actually included in your backup issued a recommendation of denial of this item, and we are actually supporting that recommendation for denial of item 3. I understand that a portion of this property is located within the city ccn and that service will be provided for a portion of this property but the bulk of the property is outside of it. This is an area of the city, the etj, where we have limited land use controls. We don't really have a lot of say in what can and how much can be built on this site. However, this is one of the tools that we do have. And that's why this provision is in the code, so that way we can actually do some environmental review before providing services that can maximize the entitlements object site or maximize development on the site actually. And, also, this project is reliant on septic tanks. This is an area highly vulnerable to pollute he is not, there are wetlands on the property, and we know from recent flooding events septic tanks can and do fail. They are a significant contributing factor to pollutants within the aquifer and I encourage you to ask the watershed protection staff for details on that and why they were concerned about it. If you have any questions for me, happy to address them, but I think that the watershed protection department would be best. Thank you.

>> Mayor Adler: Thank you. Ms. Houston, did you have a question?

>> Houston: My question just about is there an annexation plan to see if this is an area that we're going to be annexing any time soon?

>> Bart Jennings, no, ma'am, there is not an annexation plan for this property.

>> Houston: Okay. Thank you.

>> Mayor Adler: Staff recommendation on this is to deny the request.

[10:51:47 AM]

Councilmember -- yes, mayor pro tem.

>> Tovo: I would actually like to hear from our staff about the recommendation, if they could talk us through their rationale for it. And I know you've provided us with a memo on October 6, summarize what the reasons were that staff are recommending denial.

>> This ser would serve a 19-lot residential subdivision -- excuse me, Andrea bates with the watershed process, department. That development would occur in a very environmentally sensitive area. The property is fully within the drinking water protection zone, in the Barton creek watershed, the Edwards aquifer contributing zone and Barton springs zone. It is our policy to not recommend centralized service if it could enable or encourage increased development intensity in these environmentally sensitive areas. We believe centralized water service on this site could facilitate increased intensity and it will not be solving any known environmental problems that could be caused by an alternative.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: It's my understanding that Austin water has recommended to approve the item and some staff has recommended to deny the item so I think there's a conflict in recommendations from staff. But I think the bigger question here is, this is going to get built either way. This is going to get built whether or not Austin water serves this property, and I am -- I doubt that I would support an annexation should it come up in the future because that overlays a bunch of other cost and services we have to provide and things that I don't think will work. However, in the narrow frame of utility service, this is actually a benefit to the city's bottom line and ultimately, like I said, this gets built anyway. There's another utility that this developer could seek to have service from.

[10:53:47 AM]

Us denying this does not stop it. It only cedes these customers to a neighboring utility service. And if there's something that I've said that is incorrect, I'm certainly willing to hear staff lay it out.

>> If I can offer a classification.

>> Mayor Adler: Can you pull the microphone a little closer.

>> Sorry, Bart Jennings, Austin water. Little clarification. Austin water on protection Zens sebs coming to council, we're not making a recommendation, providing technical information. So watershed protection is providing their concerns about the environmental impact related to this ser but your other statements about another utility being able to provide at least domestic service, probably not.

>> Watershed protection department, environmental officer. In terms of feasibility of the project that is one of the things we do which and in this particular case, they do have a subdivision application in today or currently under review. It does -- it's likely they're going to have to reconfigure it and possibly lose lots because of the other land development code requirements. Also, they were not able to convince us that they actually can construct it to the level of intensity that they're proposing without city of Austin water service. It's been my experience in the past essentially every applicant that comes in and asks for one of these tells us if you don't provide service we can build it anyway. Very often those projects don't get built to that level of intensity. They don't get built at all or the level of intensity is significantly reduced. Sometimes they are able to, but often they aren't.

>> Flannigan: But it sounds like whether or not we approve it is irrelevant to their feasibility.

>> I actually think it may be relevant. The utility that they can get alternate water service from apparently can't provide enough for fire flow, if I remember right.

[10:55:57 AM]

And -- is that correct? Build tanks on-site to get water pressure. It complicates their development significantly and as I say their application may require reconfigure racing as well so I think the viability of the project is in question.

>> Flannigan: Is there a reason this has to be done today?

>> Not that I know of.

>> Flannigan: If there are open questions about whether or not this project is viable and to the extent that our utility service drives that question, I don't know that this is baked. I'll just leave it at that.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: Is the property owner here? Okay. Yeah I would like the opportunity to hear from him. It's a little -- I'm a little frustrated because this is -- in southwest Austin. This is the first -- I just learned about this this morning. From the details that I understand, you know -- I just came from a press conference this morning where we were talking about making it easier for people to build ads and not have to go through all these permitting processes and one of the things that was mentioned was water hookup fees and how expensive and complicated it is to go through the process and here we have someone who -- I mean, the proposed development has 19 homes, right?

>> It's been reduced to 17.

>> Troxclair: Been reduced to 17. We're talking about 17 homes here, and it's probably going to be in a pretty affordable part of my district, and -- well, I guess I'll let you speak, but im-- I am frustrated by this conversation right now because from what I understand, this is -- you are going to be able to build this project whether or not the city of Austin approves it, and so it seems like we are putting -- throwing an unnecessary hurdle at you, and, if anything, causing potential residents who are going to live there to not be able to have adequate fire service?

[10:57:58 AM]

I mean, this isn't something that I think is appropriate for us to use as a negotiation tactic, whether or not the water pressure is going to be high enough for somebody to get a firefighter to their house. So sorry for that rant, but I'll let you speak.

>> My name is Steven Jamison with Jamison civil engineering, representing the owner. And just I agree with everything you just said. We've already gotten verbal approval from west Travis county Pua to serve the property. I've already met with Travis county fire marshals to do tanks and a pump system if

we need to. Again, that is not our first choice. Our first choice is city of Austin because they have the means for fire flow and fire hydrants to make it convenient. But it will not stop project. It's just like was said before, we pay pwtcua or city of Austin for water service. I'm not quite sure I'm not sure what was went by the plat is notice approvable. All the variances that we're asking for from my discussions with Travis county staff and city of Austin staff are approvable. The problem is we have to finish this ser to get Austin water signoff on the plat, which the discussion I had it is approvable. The only problems were watershed protection denying the ser, from what I heard, that was their policy is to deny them all. One other option that westbound do as far as environmental -- that we could do as far as environmental, if we wanted to go down the route with drilling wells, we would have to go down that process. Drilling wells for 17 homes would have a far more environmental impact than surface water four feet deep coming to our property.

[11:00:03 AM]

As far as I haven't heard any besides we want to restrict development in drinking water protection zone. I haven't heard anything other as far as quality excuse to deny. I'm here to answer any questions.

>> Pool: Mayor?

>> Mayor Adler: Councilmember pool.

>> Pool: This property is in the E.T.J., and hasn't been annexed yet. Is that correct?

>> Correct.

>> Pool: So the ser is the first step to moving down the line of approvals. You have to get the ser before you can work on a site plan. So let's say this is approved and then they move to site plan and do what they are going to do there and then city of Austin comes through with an annexation request because this will -- this would be lined up as potential annexation area. We will have provided significant dollars worth of infrastructure. There may or may not have been damage to our drinking water protection zone. My guess is there probably will be. And then we go to an annexation hearing and because of the changes to state laws we won't be able to annex them, but yet we will have provided significant services and funding and won't be able to recoup it. That just adds to my reasons for not being willing to approve this ser at this time. But I do think that we need to take that into consideration. Those are the additional activities and events that will happen down the road from here. Thanks.

>> May I speak to that point? We're not asking for any city participation for building -- it's a 12-inch waterline to our site and all the on site infrastructure.

>> Pool: And I recognize that may be the case now, but things change over time, but the fact is that the annexation would still be out there and that's of concern to me.

[11:02:09 AM]

But that we then would not be able to annex because the people who live there would not want to vote for that.

>> Mayor Adler: Back up to the dais. Mayor pro tem.

>> Tovo: I actually had questions for staff, particularly Mr. Lesniak.

>> Mayor Adler: Thank you, sir. Sir? Thank you. You can sit down.

>> Tovo: Mr. Lesniak, I'm just looking at the memo where you talked about the environmental reasons or the environmental sensitivity of this land. As I understand it's in the drinking water protection zone, the Barton springs Barton springs and I think several people have mentioned it is right now door -- immediately adjacent to the water quality -- our water quality protection land preserve. Piece of property. Can you remind us how much the taxpayers who have supported through bonds, how much we have spent on our water quality?

>> I don't have the number immediately at hand, but it's tens of millions of dollars. And so -- and I also wanted to mention that our recommendation is consistent with the historical policy of council. Y'all don't see very many of these because these requests only come if the request for service is in the etj and in the drinking water protection zone. And it's been council's past policy that unless the service is addressing an existing environmental problem, they are on ground water, they've got an existing well in a sensitive aquifer or a failing septic systems or we've done some where we had a very small area that was kind of the hole in the donut, we were serving all the way around it and it made no sense not to serve it. Except for that, we generally don't recommend these in these areas.

[11:04:11 AM]

>> Tovo: So there are some you recommended if the resulting development was going to solve and improve the environmental --

>> Yes.

>> Tovo: -- Situation on the ground. In this case rationale for recommending denial is it would actually in your estimation, let me just read it, could be a negative environmental impacts including increased loading from the impervious cover.

>> Yes, that's correct.

>> Tovo: And the rationale again for this long-standing policy is that we don't want to encourage increased development in areas that are critically sensitive including immediately adjacent to our water quality protection --

>> Yes, it's been past policy of the council to not facilitate additional density in the drinking water protection zone, in the etj where we're not obligated to provide service. One other nuance I think is significant is that state law prohibits us from conditioning these approvals. They are simply a yes/no. We have applicants saying if the city will provide service, I will do X, Y and Z and unfortunately under the state law we can't do that. Often that would be advantageous to both the city and the developer, but we're prohibited from doing that.

>> Tovo: Thanks. I appreciate that rationale and I know there was some exchanges earlier about headache -- some exchange early about increasing hurdles for developers. In my mind this is long standing with the city of Austin and the city has made commitments through bond funding as well as the save our springs initiative and citizen led initiatives as well as council priorities to encourage good -- and to protect our most critically and -- our most environmentally sensitive lands, and so I'm going to go with the staff recommendation on this item.

[11:06:16 AM]

>> Mayor Adler: Ms. Troxclair and then Casar.

>> Troxclair: Mr. Jennings, can you help me understand what would have happened if this property was within the city limits? Would this have been approved administratively? Yes, that's correct.

>> Troxclair: Okay. And also I want to understand, you know, there's been conversations about I guess land development, which I'm not sure how that ties into -- this is a water hookup that the landowner is paying for, but regardless the property that's in the etj, will approving the water hookup in any way exempt that -- will they still have to comply with other sos regulations, the impervious cover regulations, all the other things we have in place to -- under sos?

>> Yes, that's correct, sos, watershed protective ordinances all would apply except the tree.

>> Troxclair: So I guess I'm not understanding the argument that this is somehow -- that us approving a water hookup is somehow going to harm the environment when sos is in place -- very strict regulations in place where the intention of protecting the environment and they will be required to comply fully with S.O.S. Regulations whether or not we approve this hookup, correct?

>> Yes, ma'am, that's my understanding.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Mr. Casar.

>> Casar: Mr. Lesniak, I think this information has gotten out in pieces. Can you help us understand what the worst case scenario is in -- environmentally if we vote yes versus if we vote no? I know in your line of work you are trying to sort of balance the worst case scenarios and avoid them the best you can. Can you walk us through that?

>> Sure. Councilmember troxclair is correct, our land development code, our watershed regulations do apply.

[11:08:19 AM]

We don't have land use control, our tree ordinances don't apply in the etj. Traffic, those sort of things, we are -- our regulations don't apply out in the county. But most of our watershed regulations do. The S.O.S. Ordinance is not a no impact ordinance. There are impacts of development even under S.O.S. If there is less development without our service, which we think is the more likely scenario, there's no certainty, there will be some -- if we provide service and there is additional impervious cover, more people on the land, more traffic on the roads, more removal of trees, all of that in the Barton creek watershed, it's immediately adjacent to a tributary of Barton creek, it's got a critical water quality zone and transition zone on the property, all of those things if they were able to develop to the maximum amount allowed by S.O.S. With our service, that is likely to create some amount of additional environmental impact more than if they have less intense development with our service. They may be correct, they may be able to do this. As the -- the engineer for the applicant mentioned, they are requesting some variances. I don't know specifically what those are so it may not be complete compliance. Obviously there's a process for that and there will be a staff recommendation on that as well. They may not have full compliance with our regulations, but that's a separate process.

>> Casar: And so if we extend, there's a greater likelihood there's more intense development in this environmentally sensitive zone. If we don't, there is less of a chance it would be -- it still would be, apart from that, is there any environmental benefit or negative of having city of Austin water extended to you as opposed to the other utility that -- because I didn't fully understand the difference with the water tanks and the like.

[11:10:31 AM]

Is there some environmental negative or positive associated with them going to another utility?

>> Potentially because if they are able to do the development and they don't get it from the alternate service provider, he mentioned they could potentially do wells. Our geologists have told us that being the Trinity aquifer, not the Edwards, that's not optimal. Our geologists have said it's iffy if there would be adequate supply. There's no certainty on that. I'm sure if they don't provide service they will attempt to get service from the alternate provider and there are challenges associated with that. I don't think there is -- I'll leave it at that, if that answers your question.

>> Casar: If they go with another provider or with the wells, is that a significant or just a small environmental negative? I'm trying to understand weighing the positives and negatives, if we don't do a ser, it's more likely they do less intense development, they would get this from some other provider, is there something environmental negative with that?

>> There is going to be some environmental impact with the development, but our opinion and it's the basis of our recommendation is we believe there would be less environmental impact with a less intense development.

>> Casar: I understand that. The intensity committee is -- if we extend more likely to be intense, if we don't, more likely to be less intense. What I'm asking, is there anything else having to do with using us as their utility as opposed to the wells or the other utilities and that stuff that has an environmental impact outside of the intensity?

>> No, I don't believe so.

>> Casar: That's about the same. Thank you for dealing with that battery of questions. It helped me understand it better.

>> Troxclair: A quick followup. I want to clarify what the question that he just asked. Is that okay?

>> May Adler: Okay ozarks --

[11:12:36 AM]

>> Troxclair: The developer is saying 17 homes and they are going to build 17 homes whether they get approval or private provider. When you are making your assessment -- when you were talking about less intense versus more intense -- oh, I don't -- siri thought I was talking to her.

[Laughter]

>> She might give you a better answer.

[Laughter]

>> Troxclair: I want to understand in your estimation what are you considering a less intense development? A difference between 15 and 17 homes or are we talking no development versus 17 homes? What is the difference to you?

>> It's probably somewhere -- we have been quantifying 15 house, 10 houses, it's somewhere between none and -- and potentially we recognize they may be able to do their development. It's -- with the 17 homes. We may be wrong. It was based on our judgment, on our experience in evaluating similar requests in the past, and based on the council policy of not providing service --

>> Troxclair: I didn't know if you had in your response when councilmember Casar was talking less intense, more intense, I don't know the answer to this question. I wanted to understand if less intense -- what this meant, what less intense meant, but sounds like you didn't have a specific idea in mind. You are just saying something less than 17 homes.

>> Yes.

>> Troxclair: Okay.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: So I wanted to ask you about the thought that you started to -- to convey about council policies and policies of our community that we've had for quite some time.

[11:14:38 AM]

And that is the policies behind protecting our water quality in these particular -- in these parts of town. So if I heard you -- or anticipating what you were going to say, it would seem to me that y'all's recommendation is in line with that poll I. Is that what you started to say about the council's policy of not extending would be safe to say it's our policy not to extend service when that could potentially contribute to additional development over sensitive water quality areas?

>> Yes.

>> Kitchen: Okay. And also, I think I noted also that our commissions that we also rely on that we've appointed for their opinion, they are not recommending this either now. I understand they didn't take any action; is that correct? But we don't have a recommendation from our environmental commission or from our -- I think our water and wastewater

>> That's correct, the environmental commission had a split vote. They only had eight members or nine members and couldn't get a majority on either direction.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I think it's important to acknowledge that split votes are not recommendations either way, but my more specific question, Mr. Jennings, when we have programs around conservation or watering restrictions, are those land use controls or are those through the utility to utility customers?

>> It's the utility to utility customers.

>> Flannigan: So Austin water providing to this development would allow the environmental rules that we've created and incentives we've created in a way that we wouldn't have the influence over another utility.

>> If you are talking water conservation programs and measures, yes, sir. In that perspective.

>> Flannigan: Thank you.

>> Mayor Adler: Okay. If the property owner wants to give your name to the clerk, I'll give you three minutes to talk.

[11:16:39 AM]

If that's something you want to do. You don't have to. But if you want to talk, you need to sign up to speak. Yes, councilmember alter.

>> Alter: A comment for Mr. Jennings and for the city manager for future requests for Sers, if you can in addition to the memo from watershed if it can say on the rca very clearly that the watershed staff is recommending not to move forward. I don't think this was straightforwardly presented and I just think that would be a modification that would be helpful. And if you can add clarity that Austin water is only providing technical, they are not necessarily recommending moving forward, I think that would help for people trying to understand what's going on for a particular case to have the full lay of the land. I'm not saying to substitute doing the memo from watershed, but that should be could out in the rca. If someone had been trying to follow our proceedings today and they hadn't seen that memo, I think they may have had a different perspective on where this discussion would go. So I just wanted to bring that to your attention.

>> Glad to do so.

>> Mayor Adler: Manager?

>> It's on the second page of the rca and it refers to the report provided by watershed that addresses environmental concerns. It does point out in the rca that there is a memo attached or a report attached.

>> Alter: But it doesn't say on there that they recommend not doing that.

>> No, we can change --

>> Alter: Which is a different thing from saying concerns. But thank you for --

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Mr. Jennings, it looks like it says that on October 11 it was recommended by water and wastewater. Is that not correct?

>> It's not accurate. What happened was there was a 4-4 vote and one abstention, and then there were individuals who were absent.

[11:18:46 AM]

So --

>> Houston: So what I'm looking at says it was a 9-0 vote with commissioners Michelle and morati absent. I'm looking at 2 -- that's why. I'm looking at the wrong one. Never mind.

>> Thank you. I was about to have a heart attack.

[Laughter]

>> Mayor Adler: Further discussion on the dais? Is there a motion to be made? Yes, councilmember troxclair.

>> Troxclair: I just want to give the opportunity to the landowner to speak again if you would like to. It looked like you wanted to respond to some of the comments.

>> Steve Jamison, Jamison engineering. I wanted to clarify when he was talking about the degradation, less than 20% of the gross area. And we all -- Barton springs is a zero degradation area. We have a set filter pond with an in filtration bed to keep everything on site. So we will follow all the rules of the Barton springs zone and the S.O.S. As we need to do to get our plans approved. I just wanted to point that out. The amount of impervious cover has nothing to do with who brings the water to the site. It's part of the chapter 30 and the Barton springs, it's all in that. Whose water is coming through the pipe makes no difference on the amount of impervious cover on this site. I just wanted to point that out. Thank you.

>> Mayor Adler: Thank you. Is there a motion to be made? Councilmember troxclair. Is there a motion? Is there a motion to approve the recommendation to deny the ser?

[11:20:48 AM]

>> Troxclair: No.

>> Mayor Adler: I'm sorry?

>> Troxclair: I want to approve the ability for them to hook up to Austin water.

>> Mayor Adler: Okay. There's been a motion to approve the ser request. Is there a second to that? Mr. Flannigan seconds that. Is there any discussion? Yes, Mr. Casar.

>> Casar: I'm going to vote no because I think it's a good rule and ultimately if this becomes 12 or 13 homes instead of 15 or 17 it may not seem like such a big deal, but I think it's a good standing rule for us in the etj not be doing Sers against our environmental officer's recommendation because in other cases it may be a much more significant difference. And so regardless of the outcome here, I just want to state I know it's been sort of a standing policy and we haven't dealt with these as much in the last three years, but seems to be the first time we've discussed it, I think it's a good standing policy especially if we're considering potentially more significant developments than this one, so I'll vote no.

>> Mayor Adler: The motion is to approve the ser. Ms. Houston.

>> Houston: I'm going to vote yes because I think by voting yes we will have a little more controls over the eventual outcome of the development than we will if we allow another provider to provide the services.

>> Mayor Adler: Okay. A motion is to approve the request. Further discussion? Those in favor of the motion please raise your hand. Troxclair, Flannigan and Houston. Those opposed please raise your hand. It's the balance of the dais. The motion to approve the ser request fails.

[11:22:49 AM]

11 and 12.

>> Kitchen: Could I request we take 47? I think councilmember Houston had a quick question. I would have to defer to her but I'm thinking it might be a quick one.

>> [Indiscernible-no mic].

>> Jennifer Mcphail on behalf of adapt Texas. I just wanted to say that we're very supportive of the resolution. It will clarify the intent to -- both to repair and new construction of areas that need sidewalk throughout the city. And every district throughout the city has problems with the sidewalk. And when -- I put my body out in oncoming traffic to illustrate to the voters the importance of a sidewalk network, that was accessible. It didn't matter what district I was in at the time while I was doing it. So it's just

really important to keep in mind that every portion of this city has some problem that's going to need to be addressed with this money and it needs to be free and available to use as necessary to address these problems as quickly as possible because pedestrians' lives depend on efficiency. Leaving the repair might be next to the area you just constructed. That wastes money and it's silly. We want to be clear and efficient and get this done as quickly as possible.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: If I can make -- if I could explain it and I'm sorry I'm confused whether I should make the motion first or explain it first.

>> Mayor Adler: Why don't you make the motion first.

>> Kitchen: Move passage of item 47.

[11:24:50 AM]

>> Mayor Adler: Mr. Renteria seconds.

>> Kitchen: This resolution provides clarity on the interpretation of the bond that we passed in -- the mobility bond that we passed in 2016. It doesn't change the bond, it simply clarifies that that bond money can be used for -- for new sidewalks and for repair of existing sidewalks. Using the existing sidewalk rating matrix that we have and using the high priority sidewalks, which is what that priority rating matrix does. So it's just an attempt to clarify with our staff that there is authority under that bond because the bond made no statement about only using bond money for new sidewalks. And the intent from my perspective is that we have sidewalks throughout our city that in effect are no sidewalk at all because you can't use them because they are in such bad shape and they need repair. So that's the purpose of this. And we -- we had conversations -- the reason we brought it forward, this was brought to our attention by Jennifer Mcphail and other members of adapt and also we had discussions with our staff that they were -- they needed direction from us on the appropriate interpretation of the mobility bond. So that's why we're bringing this forward. As a policy matter.

>> Mayor Adler: Mr. Renteria.

>> Renteria: And the reason I seconded also, I have a lot of seniors that have contacted my office, especially around the montopolis area where the sidewalks -- there have been a lot of -- they are older homes that have been remodeled. Some of the sidewalks have been cut into to make room for new piping, and the way they repair these things, it wasn't the best.

[11:26:50 AM]

[Inaudible] You know it makes it really difficult for seniors to walk these sidewalks. That's why we're -- and there was no plan, clarity in the amendment that we passed on the sidewalks that fit. It could be repaired. Because we do have sections that are not repaired, that have been in really dire conditions for a long time and they reached out and said, hey, can we solve this problem, and I think this is the solution to instruct our staff to go out and do these kind of repairs.

>> And anything we can do, if you have any questions that you need me to answer from a pedestrian's perspective, please ask. But this is very important. If you are going to be in an area, fix it right the first time so we don't have to keep waiting for the next round of repair.

>> Mayor Adler: Thank you.

>> So that's --

>> Mayor Adler: Ms. Houston, you had a question on this?

>> Houston: A question for staff. I understand the necessity --

>> Mayor Adler: Thank you, Ms. Mcphail. Ms. Houston.

>> Houston: Could staff come up, please and --

>> Good morning, Richard Mendoza, public works director.

>> Houston: Thank you for being here. My concern was that we have introduced this new term called the sidewalk rating matrix where we have been talking about the sidewalk master plan and the transportation -- Ada transportation plan. I understand that's a part of that. But it's confusing to me how the rating matrix will impact the priorities that were outlined as we talked to the voters about how sidewalks would be constructed, and seems like there may be some cause to have the funds reallocated based upon this new matrix. And I need you to explain to me what the difference is between what we voted on and what this new matrix will now demand.

>> Certainly, councilmember.

[11:28:51 AM]

I believe the matrix you are speaking of is the condition assessments of our existing sidewalk network. According to sidewalk --

>> Houston: No, this is the Ada. This is the Ada matrix.

>> Oh, the Ada matrix, there will be no change. In terms of identifying the high -- terms of identifying the high and very high locations according to the sidewalk master plan for missing sidewalks, our plan is to adhere to that original programming so there will not be any transition of moneys as a result of this action other than what's already originally programmed in each district. What this allows us is the flexibility, per se, if we are installing a new sidewalk to fill a gap in a very high priority area and it's adjacent to a sidewalk that is structurally deficient that connects us right to, say, a bus stop or a school or a park, this gives us the flexibility to go ahead and address that at the same time so that we stay compliant with an Ada compliant network, if you will.

>> Houston: Where will that money come from? In the money allocated to districts to provide sidewalks?

>> It's the same moneys as currently in the 2016 bond. Those moneys are staying in each district to address those high and very high priority missing sidewalks. This action allows us at the same time as the adapt folks have pointed out to address any Ada deficient sidewalks to provide connectivity to that improvement.

>> Houston: And I appreciate that because we were talking about something on Chestnut Avenue that we've got -- we had that conversation and you said we couldn't use that money because it was slated to build new sidewalks. And we've got some horrible sidewalks that need repair and there are gaps and they go around trees and somebody that uses a chair would not be able to negotiate that so they are in the street in a bicycle lane.

[11:30:56 AM]

This clarifies that that would be taken care of.

>> These moneys for 2016 bond would be made available --

>> Houston: To take care of those inadequate sidewalks.

>> Yes, ma'am.

>> Houston: Okay, that's different than the way I was reading it. So just wanted to be clear. Thank you.

>> Mayor Adler: And I think we have one more speaker on this item. Let me make sure that's right.

>> Thank you. Community organizer, Austin Adapt Texas. As Jennifer said, we are always going to need both new construction of sidewalks and repair of existing because, as a growing city, we're always going to be the safe network to travel on. Because it's better to be safe on a usable sidewalk than to take your chances and go in the road with lots of cars and other things you have to deal with especially on some

streets where there's not only two lanes of traffic but four. So again, we need to use these moneys wisely to both do repair of existing sidewalk network and new construction as well.

>> Mayor Adler: Thank you very much. We're now back up to the dais. It's been moved and seconded. This is item 47. Discussion? Those in favor? Those opposed? It's unanimous on the dais. Thank you. We have 11 and 12, we have 11 speakers that signed up on 11 and 12. You said you were going to suggest a different way to handle these, mayor pro tem?

[11:32:59 AM]

>> Tovo: Yes, thanks, and I certainly want to hear from the speakers. I see some coming in who probably are anxious to get back to their places of business by the noon urge you're lunch hour so -- noon lunch hour. I will prepared to do what I said in the work session to extend the contract a year with the suggestion to staff they really take a look at these in light of the parking policies we've implemented elsewhere and see if you can come back with a consistent approach. It looks as if the parking validations in city hall last year amounted to a quarter of a million dollars and that ranges for some business from a couple hundred to a couple thousand to a couple businesses that are in the hundred thousand dollar range. Especially since our public library opened up a week ago and we're receiving a lot of email asking why we're charging for parking at our public library, I'm just hard pressed to explain why we would be subsidizing the parking at that level for some of our businesses here where we're not doing so for businesses in other areas of town and we're not doing so at our library. As I mentioned at our work session, we've had lots of feedback over the years. As the parking meters went up and the days got extended, we heard from musicians, from employees at businesses downtown about what a hardship that would present for them as those expenses were cutting into the money they were making by working downtown. Again, part of the discussion that I hope would ensue over the next year is whether we can even look toward a solution for employees and, you know, if we're going to spend that kind of money subsidizing parking, I would feel better if we were doing it for those coming down to work that parking expense would represent a big chunk of their paycheck.

[11:35:04 AM]

Again, my solution today would be to extend this for a year, but with some requests of staff to really get us some information, look toward some different options. Maybe making it one hour as it is at the Seaholm garage. We need more consistent, equitable practices in this garage as Seaholm and some other places. Because I recognize lots of second street businesses including some I frequent a lot, this is in no way an attempt to -- we want you to be successful, but we do need to come up with a practice that I think is fair in this part of town.

>> Mayor Adler: Okay. We have about 25 minutes before citizen communication. We have 11 speakers signed up. That would take us just past noon so I'm trying to figure out, I think we should start this and see if this gets us with what you are saying. So your motion would be to extend each of the contracts in both these items for one year.

>> Tovo: Renew the contracts. We're scheduled today to renew the contracts and we would go ahead and renew them but with a one-year term with the understanding in a year we can come back and do it again. But in that year I hope we can kind of think about different options. I have a slew of questions. With respect to the people here today, I'll try not to ask them now, but it's my understanding amlis has 90 spots in our garage in addition to the validations so that's -- there were a lot of questions for me raised by some of the information we got back, but I'm content with not digging into it today if we just go with the one-year extension at this time.

>> Mayor Adler: Let's go ahead and call the speakers up. The first speaker that we have on this item is Kaitlin Mcconnell. Is Kaitlin here? And then Tim Dowling is on deck.

>> Hi, Kaitlin Mcconnell.

[11:37:04 AM]

I'm going to donate my time to Taylor Bowen.

>> Mayor Adler: Donate your time to --

>> Taylor Bowen. Before I begin, I need to understand, I have three minutes or additional?

>> Mayor Adler: Taylor Bowen, you have six minutes because you have the -- five minutes because you have the donated time.

>> I appreciate that. So again, I'm Taylor Bowen with amlis residential, the general manager of the second street retail district. I just heard the recommendation and I appreciate that, but I would like to request that we extend the agreement for two years for the following reasons. So as you know, we've come a long way in the last 12 years since we started the second street redevelopment. And we are still very much striving to build upon the amazing and unique urban shopping experience that we currently have. And we should be very proud of second street. We have best in class retail concepts and we have terrific local and small business owners, several of which you are going to hear from shortly. So given this very long relationship with the city, we have to admit that we were a bit surprised and disappointed to hear that the extension of this parking agreement is now of concern to council. So why is this city parking validation agreement so important to our retailers' success? As you know, our business owners have to compete in a very competitive and ever-changing retail environment. And one of the biggest challenges with urban retail is parking. That's why the city hall garage was designed with 750 parking spaces to help

accommodate the retail in the growing district. Convenient districtwide validated parking has been a key component of our retail experience since we opened the second street district.

[11:39:06 AM]

This parking agreement is very important for the continued economic health of the district and our future ability to attract top-notch local retail talent. Also remember that ali participates in the parking validation as well. And we will continue to do so if the city parking agreement is extended. We provide two-hour validated parking from 8:00 A.M. To 5:00 P.M. For over 3,000 cars per month in our ali garages, which are much smaller. Even though we have no obligation to do so in the current city agreement, we also provide free and discounted parking for almost 100 of our retail employees in validated parking for special events. So if this validation agreement is not renewed, there is no doubt that our business owners will suffer a loss of traffic, sales income, which will directly affect their economic survival. Some of the business owners like Austin java can't expect someone to pay for parking if they are only going to buy a two dollar cup of coffee. We need to think about these things. If this agreement is renewed, we may have to expect higher traffic and more store closings. Further, we may not be able to attract the local women and minority business owned -- business owners that we've been so proud to have in the district. Now, finally, remember, the city is our economic partner in second street, and the second street retail district is for all the residents of Austin regardless of how they get here. So with that, I'd like to use whatever additional time I have to make sure that our retail tenants can come speak to you about this.

>> Mayor Adler: Okay. We'll call on the other people who have signed up.

[11:41:06 AM]

>> Troxclair: Mayor, can I ask a question?

>> Mayor Adler: Yes.

>> Troxclair: You said in your comments that you would like us to consider a two-year extension. I'm guessing the -- if your choice is between one year and two years, your choice is two years, but actually the item is for a five-year contract extension. So is your preference for a five-year contract extension?

>> Oh, absolutely. In our prior discussions with staff, I understand two years was an option. We would like even more. Let me be clear just so there is no confusion. This isn't so much about the -- the validation agreement as how it -- how it will affect our retail tenants today if this agreement were to expire, which would be very difficult. It's going to also be about the leases that are in place that will

continue past this time period and our ability to attract new tenants. The longer the time we have, the better it will be for the district.

>> Troxclair: Thanks.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just want to clarify a couple things from your comments as well. So it's my understanding your tenants also have the ability to have their customers validate the parking in your garage as well.

>> That's correct.

>> Tovo: So a customer who shops at one of those places can go to your garage and be validated or our garage and be validated.

>> That's correct.

>> Tovo: And you also lease -- city staff returned the information that you were allocated 90 spaces in the city hall garage to allocate among retailers. Do you pay a reduced rate for that or are those just free slots?

>> I'm sorry, in our garage?

>> Tovo: In our garage, the 90 spots allocated --

>> No cost.

>> Tovo: How do you Cal indicate those among your retailers?

>> It depends upon the request at the time. It depends how many spaces they need and where they want to be.

[11:43:07 AM]

That's why we accommodate them as well because sometimes they need to be closer to their businesses, depending what block they are located in.

>> Tovo: Do the retailers who are using these 90 spots, are they tending to use them for customers or employees?

>> No, it should be for their employees.

>> Tovo: Okay. Thank you.

>> Hi, I'm Elizabeth Gibson and I'm signed up to speak I think twice, maybe. So you can take that off. I own and operate Eliza page, which has been one of the original tenants since 2005 on the second street district. So I've seen the district since the very beginning when they were basically almost no businesses. It's been an interesting I'm very thankful to be in business. It's been challenging at times but, you know, we're very grateful to be in business after 13 years downtown. I was surprised last week as well to understand that our parking agreement with the city and partnership was in jeopardy. It is paramount to my business success that we are able to validate our customers' parking. And if that was taken away, we would absolutely have to move. There's no question about it. Our customers for the last 13 years have complained on a daily basis about free parking and access for parking. We often honestly run panels out to the street because there's no parking, which is, you know, dangerous. But it's because there's a problem with parking. I sent all of you a letter. I'm not sure if you were able to read it, but in the last several years my business sales have dropped because it's harder for people to get downtown, as you know, it is a problem citywide, parking, traffic. And, you know, it's also is my understanding that y'all are a partner in this, and is I implore you to continue to be a partner, find a solution that's concrete for not just our businesses but everyone down here.

[11:45:15 AM]

When you talk about the library, you know, people coming to work, we're also coming to work here as well, and we have hundreds of employees amongst all of us. I'm not sure how many people are employed at the library, but we've been working here longer than the library employees have. We've been bringing people to the district, downtown, for over a dozen years. We would love to continue to do that and be -- absolutely hope that you, you know, find a solution that's long-term for everyone because I'm sure you know the D.A. Really studied in June to show there are -- there's no more spots available so it's an issue that y'all have to solve. They provided some really great specific recommendations, and I hope that you would extend this. I mean, at least two years, five years would be great because you will put our businesses out of business and that would be a detriment to, you know, all of our employees, obviously, our customers, and we would have to move if we were able to. So please vote yes to extend this. Thank you.

>> My name is Carla Hatler, I own a nail salon in the second street district. We have been open since February 2015 and I currently am -- you know, I'm a small business. I started this business on my own. I went to the university of Texas. I understand, mayor Adler, that you're a supporter of small business and you received awards for it. I've seen since we've been here a struggle for small businesses specifically women-owned small businesses to stay in business downtown period. We've seen teddies for body moved out and parking is one of the reasons that it is difficult to maintain a business downtown. We've been fortunate to do really well because we're a service business. I think some of the retail businesses like Eliza Paige has had difficulty because of the parking and accessibility for downtown.

[11:47:23 AM]

I currently pay over a thousand dollars a month for my employees to have parking access downtown. It's a big bill for me to foot because our business -- it's a big expense for me. If we were to not be able to provide validation to our customers and to some of our employees that I'm not able to pay for parking, our part-time employees utilize the employee validation system in the city hall parking garage, it would put me out of business. I really hope that everyone here considers that we need to keep accessible parking at least for two hours. I already saw weekend validations go away. I have to pay for those as well. I spend approximately 100 to \$200 a month to pay for customer parking validation at city hall. That's the only place they're able to park on the weekends. So I know that if that went away as well it would be -- it would be devastating to my business. So I hope you all consider renewing this more than just a year and really ensuring that we keep parking accessibility to customers that are visiting the district. Thank you.

>> Tovo: I just wanted to highlight something I said about what our staff could look at over the next year. A couple of the businesses that just spoke I'm looking at your validation numbers, they were in the thousand dollar for the year range to \$7,000 for the year range. You know, it could be that if we came up with a situation where your employees could park free in the garage but your customers had only a one-hour validation consistent with Seaholm rather than the two-hour validation. We could shift things around and accommodate your employees rather than the customers and that could in essence save y'all money based on the fees.

[11:49:27 AM]

Again, some of the businesses are in the very low range. We have some businesses that had validations in the range of even ten dollars or \$300 for a whole year. And then we have some other businesses that are at \$1,006,000 -- \$106,000, \$88,000, and you have another similar box a couple blocks away, another salon or restaurant and we're either participating in lowering their parking costs at a lower rate or not at all, depending on where they are in the downtown. Again, I am urging balance, not an elimination of our partnership.

>> Hi. My name is Jennifer Costello. I'm a co-owner of the Bonneville restaurant, my husband and I. We are independent. We came down to Austin about eight years ago and have been open thankfully for five successful years. As the Bonneville restaurant. We are local. We live downtown. We work downtown. We've invested everything we have into this business. And I will tell you that from our perspective, the current validation system doesn't apply as heavily to us due to the hours of operation, but it is the number 1 complaint that we have from our customers, that there is no accessible parking downtown. It's expensive. It's unavailable. Any time there's an event at acl, it's kind of a nightmare for them. So we

would be very much supportive of moving forward with the validation agreement and possibly looking at some options for change that makes sense for everyone. So if it's an inventory issue perhaps we could look at doing some validation in the evening instead or on the weekends. I know that's a big -- once the validation went away or the free parking on Sundays went away that impacted all of us severely. I do know that the current validation, the situation will cause -- if we lose it entirely will cause a number of businesses to close.

[11:51:35 AM]

We've all talked about this as merchants in the area, and it's hugely impactful to us as small business owners, and our livelihood. I know it may not seem like it affects us much because of our hours, but it does send a message to the general public that it's not getting any easier to come downtown, and that's definitely a message that we need to fight against very diligently. So I would hope that you would extend or look at options. The agreement for at least two years, if not more. Thank you.

>> Mayor Adler: Thank you.

>> Hi. My name is Tim Dowling. My wife Kimberly and I are the owners of ride indoor cycling. You probably notice us when you leave in the evening. We're the glowing Orange box over there on Lavaca street. We are a big user of parking down here. Our business is built on repeat customers who come down here regularly and they depend on ease of access and availability of the parking. They also benefit the rest of the district because many of them stay to shop and to eat in the restaurants here afterwards. I appreciate the creativity in talking about alternatives like one-hour validated parking. For us that would be a tremendous challenge. Our classes are 45 minutes long and so almost all of our clients would go over that limit. I would also like to raise the point that we face, as a local business in a very attractive market, significant national competition. Two of the largest and best funded companies in the sector came here in the last 12 months, and they've actively pursued our clients in every way possible.

[11:53:42 AM]

Changing access to the facility would be a death blow to our business in this very competitive environment. And the final thing is I did a little bit of research before I came today and came upon the original plan for the second street district sidewalk improvement project, and what I noticed was the city from the very beginning wanted this to be a retail destination for the city, for the people of the city, and it was recognized from the very beginning that with all the development in downtown, it's not vertical enough to have the people just come from here. They have to drive to be down here. 90% of our clients drive to be down here. And we depend greatly on this access to parking for our classes. We do

pay for validation at other times, and we've suffered, as the other businesses have, from the increased expense of paying for weekend validation. In this newly, more extremely competitive environment, additional costs would be very damaging to us.

>> Mayor Adler: Thank you. Fred Schmidt. Is he here? Shelly Meyer? Robby petan ato is on deck.

>> Hi, Shelly Meyer. Fred and I own four businesses downtown, three of which are on second street, one of which is right on the other side of that wall. We've been downtown, a small business retailer since 1991. When we started downtown there were maybe half a dozen shops and the condos were just kind of a glimmer in Kurt Watson's eye at the time. We've seen it all.

[11:55:43 AM]

We are bullish in having a

[indiscernible] In downtown Austin. That's what second street is. It's the only one in cvd that has the breadth of offerings to attract the locals. It's grown into a diverse collection of mostly local retailers who serve any demographic and income level. Our store's success in the district have been due to that. We provide an eclectic and quality experience but price points for everyone. The district has that huge positive effect on downtown. The city of Austin did the they thoughtfully crafted a way to develop this shopping district and put in place support for it to thrive. Parking is essential to help us remain competitive. It's the only way we can compete with places like the domain or even really online retail like Amazon that's cutting into all of our businesses. You have to provide a professional -- a perception of a seamless experience to customers who already think that coming downtown is too much hassle. So being able to say that we validate makes a huge difference to welcoming a suburban resident down to shop with us. Thankfully at the moment Austin still basks in a robust tourist economy and thankfully they do not arrive in cars. We do have some business from the condo residents and of course downtown workers, but if you have your sole location in the second street district, we also have to draw somewhat from 2 million greater Austin residents or we can't stay in business. A small business such as ours are not funneling profits to some distant bank. Every dollar we make above expenses goes right into wage increases for our employees and additions to our 30-plus downtown staffers. A thriving stopping district is essential to any world-class city. This is really all we have downtown of any cohesive nature and it needs to be nurtured and supported.

[11:57:45 AM]

We have watched three to four generations of turnover in this district in the past 15 years. We ourselves purposely delayed leasing here until two of those generations are turned over. All perfectly viable tenants left because the district was not mature enough to support them. And while we're on a better trajectory now, we still have turnover and we still have vacancies. We're still not fully there yet. And the district managers, ali, have several --

[buzzer sounding] Oops, past my time.

>> Mayor Adler: Finish your thought.

>> You know, there are a lot of leases that are still out there, including ours that we made that based on the opportunity to provide employee parking to a limited number of our employees, certainly not everyone, and to validate parking.

>> Mayor Adler: Thank you.

>> And we'd like that to go on for the five years.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Mr. Petanato and then Molly Alexander.

>> I'm Robby petanato, I help with she will Shelly oversee development part

[indiscernible]. Part of the problems we tend to see is even like awareness for validation for downtown even during the limited times that we're able to do it. And, you know, it's -- every time someone who is local, which is, you know, a big chunk of our business comes downtown, happenstance of being in the area, which might not be super common for them, when they do come downtown we let them know that we are able to validate them, they are ten times more likely to come back over and over again. If we strip that capability from our store, we'll lose a huge percentage of our customer base. On top of that, toy joy especially, we rely heavily on a large amount of smaller transactions. Our average transaction value is usually around \$20 or so, so if you strip the ability -- or if they have to pay ten dollars to buy \$20 worth of items that's, you know, a massive percentage of the value of a sale and it's just not worth it for them to come down if they have to do that.

[12:00:02 PM]

So essentially, you know, it would be like the other tenants have said, a crippling blow to the accessibility for local residents to spend their money, keep that money in Austin as opposed to spending it out online or through major retail tears that money gets safe on the off to other cities. Thank you.

>> Mayor Adler: Molly Alexander and Gus Pena last speaker.

>> Good morning, council. Thank you for your time. I'm the executive vice president of the downtown Austin alliance. As someone mentioned earlier we did a comprehensive park strategy, implementation strategy last year. It was the most comprehensive public and private parking strategy ever done for downtown. Our partner is the city of Austin at this point we've been working really closely with the parking enterprise, as well as the state facilities commission, preservation board, the county, and other public partners. And we're reaching now out to our private partners as well. Parking is an infrastructure, not unlike water, wastewater or streets, and they have to be thought of as a system that supports the very neighborhood that you're in. And I think that when we look at parking today, we need to think about what is that overall strategy for those neighborhoods to support the goals of the neighborhood? So 1-off arrangements like we've done in the past may or may not work but until we get the systems in place I would be hesitant to disrupt the economics of a neighborhood that really is relying on this in terms of its leasing, its productivity and as you heard small business success. It's going to take us a number of years to implement the strategies, rethink the parking enterprise, the funding, the infrastructure we need to build to continue to build a healthy downtown as well as create new systems for other neighborhoods who are impacted by parking as well. It has to be an integrated approach, and it really has to be thought out as that system. So second street was thought that way in the beginning, from the development standpoint of second street, it thought of all the systems, recognizing that the infrastructure parking was critical, not only to your customers at city hall, they get to pay -- we get to park for free when we're your customers, so that we can engage in civic engagement, but also to participate in the health of the district.

[12:02:22 PM]

So when we think about it as a system, how do we think about it supporting the needs of the district and the needs of downtown? So I'd be hesitant to do something too short but to look at what we're working on. So your parking enterprise staff is working on new technology you've approved, working on an affordable parking program. The downtown Austin alliance with movability that we manage, we're working on a construction program for construction workers, working now with the state and the county to figure out how can we look at leveraging their assets. So it really is this idea of it's a -- 12 pages of over 80 recommendations to look at how do we create a more healthy vibrant downtown with parking as a part of a system and its infrastructure. So I would beg you to think about that holistically and look at kind of the recommendations that we're going to be setting forth that you will be working on over the next two or three years and how we can work on this together. The leases are really important to the second street district and to your ongoing partnership. We would encourage the extension as long as possible. We recognize there may need to be some tweaking as well.

[Buzzer sounding] So thank you.

>> Mayor Adler: Mr. Pena.

>> Mayor, I'll keep it short. Gust Pena native east Austin night, and for the parking issue has been a headache. I don't drive right now because of some issues, but I would ask the city of Austin, staff, everybody to look look at it, revisit, it excuse me, make it more affordable for us that want to go out there of that cars, you know, want to park downtown. I remember councilmember pool mentioned dillo but I don't know if it's feasible, capital metro as it is right now on the 15th they're going to vote on cut routes or what have. Anyway, the speaker that spoke out here as the businesses out there iconic Austin brands brought up some good questions, better than what I can bring so I'm going to keep it short because I'm going to be on citizens communication but I'll continue to work with them, don't make catastrophic decisions that will hurt the poor that aren't able -- they don't have money to park downtown and you're going to increase parking.

[12:04:34 PM]

That's not good for us and I keep on saying for the less fortunate, ses socioeconomic status that want to go there and the workers that work there they're not paid enough money. I leave it right there, mayor, and I leave it to y'all's wisdom. God bless y'all.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: I'm not comfortable voting for this with the one-year extension because I think even the one year is going to make it real difficult if not impossible to lease properties in this location. I think the whole second street district was an initiative of the city's and we did look at it really holistically to pull it together and it's good for us to have the vibrant downtown that we have and it's a differentiator. For us and I support that. Is it part of the holistic deal with an emphasis on local businesses and small businesses, and I think we've been able to accomplish that to a large degree downtown. And I think that that deserves real support. If our parking practices are unfair at the library, and I know that issue has now just come up, I would suggest we take a look at what the library parking policies are and decide what is the more better, appropriate thing if we were going to do something there. So this is not something that I can support. Further discussion? Councilmember alter.

>> Alter: I'm wondering if staff could clarify some numbers.

>> Good morning, Margaret Shaw, economic development department. I oversee the legal agreement, development agreements in partnership with the transportation department.

>> Alter: I'm trying to understand the magnitude of how much these validations are worth or would have been worth if they had been paid. Mayor pro tem tovo mentioned at least two that were in the

\$100,000 range, but that's out of how many? I mean, is it -- I'm trying to understand, do we have two outliers and everyone else is doing what seems like a very reasonable thing and that maybe we need to be looking at those outliers and what's driving it and whether the time of day is interfering with things and that volume and so I'd like that broader picture.

[12:06:54 PM]

If you could.

>> City council, mayor, Jacob Culver son, parking services manager for city of Austin with atd. The cost of the validations is we've provided that information. In spreadsheet format. I'd encourage you to look at that. And essentially we're looking at if you're looking at two hours of validation in the garage it would be approximately ten dollars, sometimes seven dollars, based on the rates at the time.

>> Alter: Right. But how much -- what is the volume -- total volume that we're validating?

>> Councilmember tovo -- or mayor pro tem tovo was correct in estimating roughly a quarter million dollars.

>> Alter: So it's a quarter million dollars per year but then we have two tenants who are using 200,000 out of the quarter dollars?

>> I would have to refer back to the report.

>> Actually, I'd also like to clarify if we can separate these two items. So we have two partners, ali who has over 50 retail sales and the ground floor retail. We have an agreement, number 11, with up Schneider, lp, which is lamberts downtown barring cue. Lamberts does reimburse for their validations. So 100% of the validations, again, validations are Monday through Friday.

>> Yeah.

>> 8:00 to 8:00? I forget the hours myself. 5:00 to 5:00? The validations we're talking about are weekdays only. Lamberts, item 11, does reimburse for it so if it's a cost issue it really is centered around item 12, the ali agreement, I want to clarify that up front. We have published that. I think we have said throughout the discussion we welcome the discussion. We recognize that parking downtown is an issue and something as a policy perspective we need to look at. We work collaboratively with ali and their retailers. They are interested in seeing what works, and we're happy to tweak that.

[12:08:55 PM]

We do as staff follow that recommendation of at least a two-year as long as we can, we recommended five. We recognize council wants us to scrub that. We would support a two-year, but given the flow of leases with 50 different partners, Jacob Culverson and I have already started talking about what are some of the different ways we can look at that validation which, councilmember, I think that's what you're getting to, do evenings work? Weekends work? How can we do that? We're happy to come back with some ideas about how to change that.

>> Alter: With all due respect we're being asked to make a decision today on it. We have 300 some pages of things that I didn't see totals on, and I want to understand the basic -- maybe there's another piece there that I didn't see, and I'll have a chance to look at it over lunch, but I want to understand. We have about \$250,000 worth of validation and of that close to 200,000 is being used by two tenants?

>> There are certainly businesses that are using the validation process more than others. Due to the solve their customer base -- volume of their customer base. That is outlined on the summary report I provided.

>> Alter: I'll be looking at this at lunch. I want this district to thrive, but I am concerned that there may be ways that we could improve the overall district with a different distribution of the resources that we have, even among the businesses that are taking advantage of it that might be better for the district as a whole and for the city.

>> Mayor Adler: So it is 12:10. Do we want to put this conversation aside and pick it back up after lunch? It looks like this is going to go on for a while. Mayor pro tem.

>> Tovo: That's fine. To those of you who have spoken and asked for two years as a reasonable compromise and the staff, I'm happy to move forward with a recommendation today for two years.

[12:10:57 PM]

>> Mayor Adler: Okay. All right. Let's put this aside. We'll go to lunch. Let's call citizens communication.

>> Alter: Mayor.

>> Mayor Adler: Yes.

>> Alter: Before we go to citizen communications I wanted to ask for a time certain of 3:00 P.M. For item 30.

>> Mayor Adler: You want to make sure item 30 does not come up any earlier than 3:00 P.M.?

>> Alter: Yes, please.

>> Mayor Adler: Okay.

>> Alter: Thank you.

>> Mayor Adler: At the speed we're going at, I think that might actually just happen on its own.

[Laughter] All right. Let's do citizens communication. Then we'll do lunch and executive session and then come back. The first speaker is Afiwa Delatina. And on deck is Sarah Wambold.

>> Troxclair: Mayor, as they're coming down, I don't know if the business owners who spoke today are going to stick around because I imagine that you have businesses to get back to running. But I just wanted to say I really appreciate the time that you took to be here. It's very inspirational for me to hear kind of your stories and to hear how you started your businesses and, you know, a lot of you are just independent and, I don't know, sounds like kind of started out of nothing, and I -- it was just an honor for me to meet you today and to hear how the city's decisions are impacting you. Thanks so much.

>> Mayor Adler: Okay. Afiwa Delatina.

>> Yes, sir. First of all, thank you so much --

>> Mayor Adler: Is it easier for you to speak at that microphone? Whichever is better for you.

>> I apologize. I'm sorry.

>> Mayor Adler: That's okay.

>> First of all, I want to say thank you for all of you. The great job you're doing for us in Texas. I was born in this country from Africa.

[12:13:00 PM]

I came to this country in 1997. My family was killed in Africa.

[Indiscernible] I want to go back to my country. I miss my family. This is going to be okay. It will never be okay.

[Indiscernible] And they're scared to wear African clothes to go to school. And stop racism. It needs to stop, name calling in this country. My kid is -- he was born in Africa. Africa is beautiful. Africa presents women and citizens for Africa -- it don't matter we are Mexican, black, homeless, lesbian, Africa represents them all. Because I speak 17 languages. This is what it is. And I thank you so much for -- all of you, especially Ms. [Indiscernible] To what you're doing in this country. But name calling in school needs to be stopped because name calling no good. And I hear from our friends in Sudan, her daughter was killed, her daughter

[indiscernible] She didn't get paid for that so I'm here for her also so she won't answer, I'm here to represent her, help for her family. We need answer. That doctor needs to be prosecuted. And everybody watching right now, Donald Trump

[indiscernible] Before you hurt African kids again in this country. This daughter needs to be prosecuted. They need to find him and prosecute him, please. Thank you so much give me time to talk about it.

[12:15:02 PM]

I bow before you and I appreciate you, everybody here today, everybody you're doing for us, we have for us in this country. And I thank you so much. And I appreciate everything you're doing. And I'm here for my daughter

[indiscernible] From Trinidad.

[Indiscernible] And I want my dream come true.

[Indiscernible] I have one song to sing for you. I will sing a prayer if you don't mind.

[🎵 Music 🎵]

🎵 Singing

[buzzer sounding]

>> Mayor Adler: Thank you very much.

>> God bless all of you.

[Applause]

>> On Friday I have to represent muslims here too. Thank you so much.

>> Mayor Adler: Thank you.

>> [Speaking N on-english language]

>> Mayor Adler: Next speaker is Sarah wambold.

[12:17:03 PM]

And then after Ms. Wambold we have Bryan Forbes.

>> Hi. Thank you so much for letting me present today. Obviously I'm going to be talking about Austin city cemeteries. My name is Sarah Wambold, I've been a licensed funeral director in Austin, Texas, ten years. I focus specifically on the area of green burials as a funeral director in Austin where I've assisted families in finding green burial space. Families want options in death they've had in their life, local, environmentally friendly and unique. I believe that the city of Austin can really change this by offering green burial plots in any of the five city cemeteries. Natural burial is defined basically in short as a way of caring for the dead with minimal environmental impact that aids in conservation of natural resources. I just put together my top three reasons why I believe that Austin should go green in this area. The first one is that green burial has jumped to 25% interest with adults over the age of 40. This is according to a study done by the funeral and memorial information council. Local funeral homes have certainly felt this rise in interest as several firms now offer green burial service packages. But with any options locally to perform that burial it's been really hard to turn that interest into an actual service. Currently Williamson and Bastrop counties offer green burial places and each have reported seeing growth in this area in recent years. The second reason is probably the first reason why people choose to have this type of burial, which is that it uses less resources and labor at the cemetery and people are really uncomfortable with the fact that thousands of tons of casket steel, wood, concrete is contaminating the soil.

[12:19:13 PM]

These individuals want to die as they lived with respect to the Earth and restoring the land. Also the logistics are less invasive as well. Graves need to be 3 feet deep as opposed to six, which causes less soil desist placement and minimal labor costs as graves do not require liner placement or further care. Finally the city of Austin made a public commitment in its zero waste strategic plan to reduce its waste in landfills by 90% by 2040 and I believe that city cemetery practices should be exempt from these goals, incorporating green burial into the service options is a forward-thinking solution to sales, sustainable and community. Thank you.

>> Mayor Adler: Thank you. Bryan Forbes, is he here? What about Tony farmer? Mr. Farmer. On deck will be Peter Beland.

>> My name is Tony farmer, and I live in district 9. Concerns about A.P.D. and racial profiling are nothing new to this community. In fact according to the assistant said it's a complaint they're forced to address every year. That alone is a red flag to 43. I have previously spoken to this embody encourage you to make data-informed decisions. I'll share anecdotal data with the hopes one of you you will be brave enough to ask tough questions of A.P.D., obtain hard number and look at the numbers in your profiling report a little more skeptically. On a weekend at 2:00 A.M. I was pulled over leaving a bar downtown. They were not all white like I am. The officer said he pulled us over because the tiny light

bulbs above my license plate were out. No other reason was given. In fairness to the officer he only gave me a warning ticket. I'm thankful for that and technically speak he did have reason to pull me over. Let's be real. The light bulbs in no way made my vehicle any less safe.

[12:21:18 PM]

This was an obvious fishing expedition. I believe who was in my car combined with the fact we were leaving a bar made us more suspicious. I'm a ride share driver and I've shared this story. It's interesting to me the white passengers I have in my car are in disbelief that I'd be pulled over for such a tedious reason while most of the darker skinned passengers tell me they've had this happen to them and they believe it's a common A.P.D. Tactic designed to find something. I'm not here to complain about being pulled over or traffic laws, I'm here to voice concern about fishing. I'm here to address concern about the specific tool used by A.P.D. To give them technically legal yet ridiculous excuses to pull people over with the hopes of finding a more serious offense. I'm concerned with the tool. After all, every tool from a handgun to a hammer can be used for both good and bad purposes, depending on the intent of the user. So I'm concerned about this tool in the hands of a racist cop. I'm concerned about this tool in the hands of a good cop who is working within a system of systemic oppression. If this data isn't in your annual report please ask A.P.D. The tough questions and find out the following. How often are people pulled over solely because of their license plate bulbs are out? What is the race of the individuals being pulled over, what neighborhoods is this happening in? Are there certain officers using this tool more often than other officers? Wouldn't that be interesting data to have? And how are A.P.D. Officers trained when it comes to dealing with light bulbs being out over license plate and other tedious things of that nature? I emailed my city council rep with this certain and she didn't respond. While I respect her decision not to be interested in this matter I'm here today hopeful one of you will be brave enough to ask those tough questions, especially those of you who have a higher percentage of minority residents in your district. Thank you.

>> Mayor Adler: Thank you. Peter Beland.

[12:23:20 PM]

Okay. And then Gus Pena is on deck.

>> Hello. My name is Peter Beland and I live in district 9. I'm here today to speak to you, mayor pro tem tovo and the rest of the council, regarding ongoing police department contract negotiations. The contract that has been approved by the Austin police union has a number of glaring holes surrounding police accountability, citizen oversight and the power police chiefs have to reprimand officers who have

done wrong, all the while at increased cost over the last contract. I volunteer with the Austin justice coalition who have recommended eight discreet points be added to the contract to make it more accountable to the citizens of Austin. I provided a copy of these points to your staff, mayor pro tem tovo. Unless these points are added I urge you to vote no on this costly contract during the council December 7 meeting. Importantly allowing this contract to expire produces roughly \$6 million that can be applied to new and more effective public safety measures now. Following the city's effort to move to a more trauma informed policing approach and following the city's values of inclusion and opportunity for all, one great opportunity is to improve A.P.D. Mental health capacity and support efforts to create a more resilient community. I know ending homelessness is one of your passions, mayor pro tem tovo. They go hand in hand. Saying no to this contract and freeing up taxpayer dollars offers a singular taunt -- opportunity to address both. I recommend the city route money to the following areas, prove 911 call taker mental health training. 911 call takers are given rudimentary training as part of their general job training, less than 20 hours in total. I asked A.P.D. How does city of Austin 911 call determine whether a caller is having a mental health crisis? The official answer was call take ebbs do not as stain was a rule whether someone is having a mental health crisis. Based on their engagement they will put in the call whatever the caller is telling them.

[12:25:20 PM]

They are not trained in this area at all. Improving 911 call taker capacity to address mental health calls can reduce inappropriate levels of force used against those suffering from mental health issues while at the same time reducing higher than Normal jailing costs associated with those suffering from mental illness. Austin police fielded 9,935 mental health calls in 2015. More than 5,000 resulted in emergency detentions according to the american-statesman and A.P.D. We can do much better. Number 2, create an office of resilience within the Austin public health department. Trauma exacerbates and leads to poor health outcomes. Officer resilience can implement this on a citywide basis and collaboratively help the city become more trauma informed and trauma responsive. This is simply an fte plus modest budget, cost effective and measurable. Thank you very much.

[Buzzer sounding]

>> Mayor Adler: Thank you. Gus Pena. And then on deck is Koo Hyun Kim.

>> Good afternoon, Gus Pena, proud native east Austin night, to my right is my nephew, I took corticoid when he was 13 months old. Hello my baby soph fee and my wife of 29 years. Y'all didn't think I was married, right. Still going strong. Love you, honey, baby Sophie. Veterans day falls on a Saturday. You all will have the day off Friday, November 10. A lot of veterans will not. Friday November 10 is the United States Marine Corps birthday, 242 years old, semper fi. Always faithful. We were born in November 10, 1775 in Philadelphia.

[12:27:25 PM]

Six of my brothers are military veterans. Gilbert, his dad are Navy vets, Jesse air force,

[indiscernible] Marine Corps veterans and city clerk's office forgot to put my office, Lucio Pena World War I veteran and his son, my stepbrother, World War II veteran Navy, I know things happen but it was excluded from there. Y'all will have the day off Friday November 10 on the United States Marine Corps birthday. We won't remember what veterans day is all about. Thank a veteran for his or her service to our country. Thank our female veterans especially. They don't get the respect and recognition they should. God bless America, god bless our vets, god bless my United States Marine Corps, semper fi, got bless the United States of America, I want to say it this to my brother Anthony walker, he's a bus driver, you all know him, he's an army brother, you're not United States Marine Corps but he's a good solid community activist from manor. The last thing I want to say is when I die and go to heaven to St. Peter I will tell another marine reporting, sir, I've served my time, excuse me, in hell, it has been hell but you know what? I appreciate y'all can do something for our interim city manager Elaine hart. I want you all to support her. I want hers our city manager. Forget about spending more money. Also wanted to do something for city attorney Ann Morgan but I didn't think it was appropriate. I have the eagle globe to present to them but accepting gift might be improper but I want to say this, Elaine, you're tough. I know you've been tough with Ernie Rodriguez and Tony but let's getting together and work on the ems contract. I support you 100%. I want her for our city manager and also thank you, an Morgan, all of the city staff that worked on all these issues, you know, I get kind of tough on y'all but I respect each and every one of y'all.

[12:29:25 PM]

You all might not like me but I'm here and ain't gonna leave until the lord takes me. I say to my son, thank you, I love him, 25 years, 26 years I love him and he's been a handful sometimes but I love his daughter, baby Sophie. Thank you so much, god bless America.

>> Mayor Adler: Thank you. Koo Hyun Kim. Hall Wuertz. Barbara Szalay is on deck.

>> Hello, city council. Mayor. I'm here today to speak about the police union contract that will be up for vote in December and I'd like to ask you to vote no on that contract. I want to start with two facts about the police contract that I find incredibly difficult to reconcile. First, campaign zero, the national campaign for eliminating police killings as I believe you know, study police union contracts from 81 of America's largest cities and the group identified six ways in which this contract makes it more difficult to hold an individual police person accountable for misconduct. The result, Austin was one of only four

cities to have problematic language on all six counts. Simultaneously, fact number 2, through the police union contract the Austin police are some of the highest paid in the country. This doesn't add up. If we have one of the highest paid police forces we should also have one of the most transparent and accountable police forces. This year eight of our most active community groups, many representing minorities in the city, Austin justice coalition, grass roots leadership, Texas six rights gathered together and put together a plan. They did not ask for the kitchen sink, instead they asked for the essential needs, eight changes to put us on par with other united States in the U.S.

[12:31:31 PM]

I found these eight points incredibly exciting which is why I'm here today. There's a need being felt all around our country, including here in Austin for improved police accountability and these eight reforms make that abstract conversation about change concrete and even simple. The response from the police union to these eight requests? Seven of the eight reforms have either been wholly or partially ignored and I hope you agree with me that that's unacceptable. Here's one example of one of the requests being ignored and I share this just to demonstrate what I believe is the basic nature of these eight changes. And the contract short suspensions are reduced to a written reprimand, a format which according to the contract cannot be used by the chief for future discipline. That means that if someone is fired because of misconduct and then the department is sued, the police department cannot legally use part of that person's misconduct history to defend their decision. The wording in this contract serves absolutely no purpose other than to protect bad cops. In closing the time for change is now. It's not in five years, not in ten years, with a national debate swirling around police misconduct and

[indiscernible] We have the exciting opportunity right now to stop the talking in circles and pointing fingers and instead put in some concrete measures that reprimand misconduct and thus make good cops shine. This helps everyone. I ask you to vote no on the contract so the police union knows we are serious about this need for reform. Thank you.

>> Mayor Adler: Thank you.

>> And after Ms. Szalay, John Hanson will be our last speaker. Ma'am.

>> Thank you, councilmember troxclair, I forgot earlier. Sorry.

♪♪ Singing. An estimated 80% of Americans have never seen the milky way.

[12:33:32 PM]

I'm Barbara Szalay of Lost Creek. We're named Dark Skies Development of Distinction, a program designed to reduce light pollution caused by poorly designed or installed outdoor lighting. Too bright, misdirected or shining where it's not wanted. Basics. Use lighting only when needed. Only the area that needs it. No brighter than needed. Minimize blue light emissions and be fully shielded pointing downward. A dark sky is good for our health and that of wildlife, particularly nocturnal animals. Furthermore, using only necessary directed light saves on energy use and costs. Also, a too glaringly lit building is a hideous eyesore. Think of the Apple building on 360. Finally, misused lighting produces glare that limits our ability to see at night, making us less safe and secure rather than more, producing shadowy dark areas making it easier for criminals to lurk. There may be opportunities to bring dark skies into codenext. It has lighting standards but more can be added. Seeing the stars feeds our sense of wonder.

[Indiscernible] You are a child of the universe no less than the trees and stars. You have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. A clear view of the stars and planets is a resource that must be preserved for our children. If we lose that view, Archie McClay says quite unexpectedly, the armless ambidextrous

[Indiscernible] Engaged in biting the neck of Madam Sauceman while the drum pointed and tiny was about to [Indiscernible] Quite unexpectedly the top blew off and they're hung over those thousands of white faces, there in the starless dark, the poise, the hover, this with vast winnings across the cancelled skies, there in the sudden blackness the black Paul of nothing, nothing, nothing, nothing at all.

[12:35:37 PM]

Thank you.

>> Mayor Adler: Thank you. John Hanson. Okay. I think those are all the citizens' communication. So now we're going to go into closed session. It's 12:35 we're going to take up two items pursuant to 551.071 of the government code, take up legal matters related to item 16, which is Austin versus Olenick and pursuant to 551.071 and .074 of the government code take up legal and personnel matters related to the search for city manager. If there are no objections, we'll now go into executive session.

[Executive session]

[2:37:47 PM]

[Executive session]

[2:55:48 PM]

>> Mayor Adler: all right, council, we ready to gear this back up? I think we were in process of discussing numbers -- number 11 and 12. We've heard from all speakers, I think. So that get us back up to the dais. I think you made a motion. Did you actually make that motion or no?

>> Tovo: Mayor, I'd be glad to -- no, I have not made a motion and I think 11 is a different situation so I'd be happy to make a motion to approve as it is on the agenda.

>> Mayor Adler: Okay. Mayor pro tem moves to approve 11 as it appears in the backup. Is there a second? Ms. Garza seconds that. Any further discussion? Those in favor raise your hand. Those opposed. It's unanimous on the dais for item number 11. Okay. So now let's talk about item number 12. Mayor pro tem.

>> Tovo: Mayor, as I indicate before the break, I would move approval of item 12 with a contract period of two years. Pursuant to the discussion we had with staff about some of the issues we hope they'll look at, especially with regard to employee versus customer parking and some various options within those schemas. Also with consideration --

>> Mayor Adler: It's been moved to extend for one year, the contract, and study --

>> Tovo: Two years.

>> Mayor Adler: Is there a second to that? Councilmember Pool seconds that. Discussion. Mr. Flannigan.

>> Flannigan: Thank you, mayor pro tem. I share your concerns with this contract. And without jumping ahead of my colleague who chairs the mobility committee, it might be something that we can look at as it relates to parking and mobility and access to business in downtown. And it would be my preference that we get to that sooner than later, you know, two years seems like a long time but when you're negotiating leases and trying to predict your business activity it can be difficult so hopefully the mobility committee can start those preliminary conversations and move the ball down the road faster than us getting distracted with other things as often happens.

[2:57:56 PM]

>> Mayor Adler: Further discussion? Councilmember Troxclair.

>> Troxclair: Can I ask staff a question?

>> Mayor Adler: Yes.

>> Troxclair: I don't know if they'll know the answer but I was thinking over the break about what sales taxes are -- or the property taxes that are remitted to the city from the second street district and what they amounted to.

>> Margaret Shaw from economic development. I apologize, I don't have that broken out overall it's over 660 million for the whole district, which we do for property taxes and I believe I have sales taxes in that figure too.

>> Troxclair: Okay.

>> I can break that out for you if you need to.

>> Troxclair: Okay. Yeah. It seems to me that the -- the 250 some odd thousand that the city is spending on parking is, like, a drop in the bucket, and the investment that we're making in this vibrant downtown area -- and although I appreciate the, I guess, interest in looking at employees versus customers, the thing is if you don't have customers then you don't have employees. So it's a little bit of a chicken and the egg situation, and just speaking as a representative from a more suburban area that does have to drive downtown, parking is absolutely something that is a main consideration in anywhere that I go or shop. And I can say that's the same for my neighbors as well, and having free parking, I'm much likely to go somewhere that offers free parking or validated parking than somewhere I'm going to have to pay for parking. So I am

-- I guess I can't make a motion now, but honestly I would support the five-year contract as if -- I agree with the mayor's sentiments earlier when you are comparing this to a new library situation and if that is something council wants to take a second look at we absolutely should, but I feel like we're going back on the investment -- the commitment that the city made to the second street business owners and partners that this was going to be a vibrant, important part of our downtown community and I certainly don't want this to be a vacant strip and ultimately -- if parking is a major factor, which I know it is, to having customers and these businesses close, it's ultimately much more significant loss to the city in the form of property taxes and sales taxes than anything that we're covering in parking, so I think it's well worth the investment and I would be willing to commit -- I think a five-year commitment is appropriate.

[3:00:43 PM]

>> I just want to interrupt, correct me self, that 663 million in appraised value. I don't have the tax figures. It's 2 million square feet of space in all the district and about 3,000 jobs.

>> Mayor Adler: If staff could stay, I have a question too. I'm trying to figure this out. I think the investment the city has made in the second street district has been important, it's led to a lot of things

that have happened downtown and it wouldn't have happened had the city not done that. It is a real sense of pride to walk around that district and see so many small and local businesses. I heard some discussion earlier about looking at some that had a lot of parking versus some that weren't using it, except the ones that used a lot of parking are a lot of times the anchors that drive everybody down there. You know, you see a lot of people that are in the clothes that makes you think that they were probably at the ride or drinking or eating at java or joes or walking into the stores. If anything, you could make the policy argument we need to encourage those mostly bringing had the greatest number of people as anchors do in shopping centers or other kinds of things to help make retail work. We've had people talk and they said they are willing to live with two, but I can't tell if they were saying that because they so feared it would go away today that they were willing to take two years because as bad as that might be, no years and just moving away was cataclysmic. So one, if we were going to shorten the time, I would want us to decide this host haste so people would -- post haste haste -- post haste and I'm trying to figure if two years is too short a period of time so as to let leases and businesses go.

[3:02:49 PM]

Would it be better to have three, four, five, or does two years work from the bigger scheme of things. It's when we start making these kinds of decisions from the dais that include lots of factors that haven't been sufficiently vetted. I don't know what the difference is in two years versus three years or four years or one year. So I'm trying to see from a staff perspective if you have a feel for that.

>> Yes, sir, thank you, Mr. Mayor. Staff's original recommendation was for the full five years. We certainly recognize and want to reiterate we believe downtown parking is a big conversation and a bigger conversation just these two contracts. There are other folks that also use the city garage and we work in tandem with our transportation colleagues to try and get equity and parity across those city garages that are owned in central business district. For us as representing as I do in this case the second street district, as we mentioned there are more than 50 leases that ali is managing under this contract. Those are all rolling at different terms and different spaces. So we recognize that five is too long, staff had come back and asked for three and that was deemed not good enough. We could do two for us to collect the data and then come back to you all in two years so we have a three-year increment window. So again as you are saying, the more definitive time frame we can give the retailers the better. We're recognizing five is too long, three is fine, if you want us to come back in two years with information.

>> Mayor Adler: Five is too long for what?

>> For us as the will of some of the councilmembers that was too long from our October 19th meeting. Since that time we've been trying to work out a compromise that meets the will of the council. But the longer the better. The short answer to that, for my Italian Greek blood is the longer the better.

>> Mayor Adler: My concern is if you gather data for two years and want to change it in two years, people only have one year's notice.

[3:04:53 PM]

That's going to put us back to where we are. I would like for you to decide what's right or wrong here much more quickly than that so people know what the future is. But if we have a contract we're talking about cutting off in two years and it's a rolling contract, then we're going to have these problems. You recommended three years. Does -- is three years better for being able to make the market work when this location?

-- Work in this location? I don't have a basis to decide between two, three, four or five right now and that's the frustration I'm feeling.

>> Mayor, if you will, Christine McGuire, redevelopment division manager for economic development. I would like Taylor Bowen to come up and speak on behalf of the retail tenants. I would to say on behalf of economic development that one of the things that is really I guess critical to keep in mind is the intentionality of the public benefits for this particular district of how we set up the mda. And that the validation and the structure of the validation was essential to create a unique destination relative to other unique retail destinations flout the city that were coming out of the drowned at a time in -- ground in 2004, 3, 4 and 5 when there was very little retail, it was very pioneering. So even though the market context of this retail district, obviously we have condominiums all over the place, the fragility of the district as what we were trying to create per our partnership still is fragile and still exists. And that what we were trying to accurate was intentionally a district that was unique throughout the district experiencely, as well as we put in good faith for 30% local businesses, authentically Austin local businesses.

[3:07:09 PM]

And so we hired a professional broker to do that intentional curation. That's why I'm speaking with that knowledge. This district is still fragile, we still have vacancies, and in addition to that, we still have that the change -- the pressures that these retail tenants are witnessing in terms of other areas in the city that are making demands on the type of folks who are going to come and patronize these districts is changing along with e-commerce. There's a lot of stuff going on without us as a city with a parking management strategy. That is from our perspective, that there was an intentionality to what we were trying to create and parking was a real issue, that was part and parcel to the keys to success for that. Another thing I would mention is even when we do our own type of business lending and stuff like that,

we know that in terms of amortizing tenant improvements, there's a reason why -- not just the fact tenants are rolling on and off, but there's a amortization of tenant improvements that are a minimum of five years. And given the changing issues regarding ti, that's certainly between the owner of the property and the tenant. We do know that they are going to be potential consequences to the ability because now that there's uncertainty in two years of what we're going to be doing about being able to negotiate lease that require tenant improvements. I'm going to leave that there, something we know when we do our small business lending through our family business loan program that amortization over X number of years, we've been talking about this with our music venue programs and that's been a big issue.

[3:09:17 PM]

So --

>> Troxclair: I have a substitute motion.

>> I'm going to leave it at that.

>> Mayor Adler: Councilmember Garza.

>> Garza: I'm going to make a substitute motion we leave it at five years.

>> Mayor Adler: There is an amendment to change it from two years to five years. I'll second that motion.

>> Garza: Can I speak to --

>> Mayor Adler: Yes.

>> Garza: I appreciate councilmember tovo's concerns. I share many of them, but after hearing about, you know, small businesses throughout the city, and I really do think some of these businesses would not have chosen this area had it not been for this validation. I agree with councilmember troxclair, the only reason I have frequented any of these businesses was because I get to park here for free. So I think that -- I think we should -- I think this is a -- I appreciate the concern and with regards to the library, if our library parking is too high right now, we need to fix that. There's other ways to fix those kinds of issues, but I really like the feel for this area, the local small businesses, women owned businesses and I think we made an agreement with these businesses -- I'm concerned of the two-year people in a lease renewal situation might think not knowing what's going to happen in two years and have an opportunity to go somewhere elsewhere there is guaranteed parking, I would be concerned they would leave this area.

>> Mayor Adler: Amendment on the dais is to go from two to five years.

>> Tovo: I have additional questions for staff and I'm not sure who it's appropriate to direct it to. But can you help me understand why the provisions for small businesses in Seaholm are less -- we are not making the same provisions for the businesses at Seaholm. Their customers get validation for one hour, not two hours, and it sounds like some of those businesses bear the cost rather than have it be subsidized buoy -- by the owners.

[3:11:28 PM]

>> It was structured in a different deal in terms of how the financing works. In terms of that ownership between who the property owner is and us, it's a complicated situation with the 539 spaces where the city owns one wing of the garage, the property owner owns through a condominium in common often the other 41% and the shared revenue, that was it is hit and miss the different tenants through lease negotiations. It was a different infrastructure, a different kind of -- structure. That procurement for sea Houma was the redevelopment -- Seaholm was a functionally object so less sent power plant. So the risks were different, the infrastructure and the return was different. Second street is a different deal. I'm going to turn it over now to our colleagues here with atd to maybe get more into the specifics of the validation.

>> Tovo: What I'm rallying asking is -- extremely close proximity. What is the answer I can give to a business over there as to why they get so much less public support in their customer base than if they were a couple blocks over here?

>> I think that is a fair question, councilmember, I do. I am not saying that when these deals were negotiated at the time that it was thought of the district expanding like it -- expanding in a sense like it has to include this anchor or not. These are very fair questions. You are absolutely right. And I do think that over the course of the next X number of years, we need to start now to not just wait idly by until this renewal thing comes again in five years.

[3:13:41 PM]

We need to proactively answer those questions for you now and be able to put in the kind of parking district management strategy so that on that end of the equation, on that end of the district that we can put in places strategies that are helpful to really think more globally in terms of the district. And I know that our partners with downtown Austin alliance and atd are trying to get their hands on a more global picture because it is contextual.

>> Tovo: And it was done at different times. One was 16 years ago, the other more recent. As you've acknowledged in the course of conversations, the way we handle parking whether at a meter or one of our garages has changed substantially in the last 16 years. I want to be very clear part of why I wanted a shorter contract is not to, you know, make an agreement today that we're going to wipe out benefits for all of those businesses in two years. It was asking our staff, directing our staff to do some thinking about the balance, to make sure it's consistent with -- we know it isn't consistent with our other garage a few blocks away, and to ask them to make changes. That was a mechanism to force those conversations over the next couple years. I'm glad to hear the staff say that they will take those on, you know, in the next five years, but because it comes up a lot, this comment we are making decisions from the dais, that is where we make decisions. I think very few of us are proactively looking at when contracts are coming up so we can start talking about them six months in advance. They hit our radar when they hit the agenda and that's the time to have that conversation. Again, that was my intent and in a shorter contract so that we can have an opportunity over the next year's to have staff look at some of these issues and come back with recommendations how to move forward.

[3:15:42 PM]

It was not my intention they would come back with a recommendation that there be no further parking arrangement with the second street businesses which we want to remain vital and say again I use those businesses all the time, I'll continue to do so. We want it to remain a vital area, but we do need a consistent parking strategy. I guess my other question is there -- I'm not sure it's for one of you, but what is the rationale for not subsidizing the patrons of the public library which are within a few blocks.

>> Mayor pro tem, we would be happy to explore the more global issues around parking and I think the mobility commission is a great idea. Staff is more than happy to come forward to discuss both Seaholm library, these garages and how we can have equitable and fair treatment across customers and clients and have a longer discussion around that. We would be more than happy to Friday back those detailed information. For our item today, the all tenants, their leases are five to ten years. So staff continues to represent the five years as a respectful way to move forward. If it's the will of the council to do less, then we would stay with three years. We are more than happy, of course, to come forward sooner rather than later to have longer policy discussions about parking downtown and affordability.

>> Tovo: Thanks. I would say it's very important especially after this conversation we address the parking situation at the library and I don't want a multi-year conversation about it, we should make a decision in the next few months. If it's important to us to support through our subsidies of their parking the businesses, we do the same to those who want to use our public library down the street. I'm not sure what would be the appropriate mechanism to do that. If you need a resolution or if that's an item that could come forward from staff but I think it's important.

[3:17:48 PM]

>> Let us look at it and I'll work with your office on it. We'll either bring it forward for council approval or let you know we need an ifc.

>> Mayor Adler: Is there something that you wanted to say?

>> As far as atd's stance, we support economic development and their decisions on that subject matter, of course. We're here to facilitate parking and whatever the will of council is.

>> Mayor Adler: Further discussion? Mr. Casar, then Ms. Pool.

>> Casar: I'm going to support some shorter time period just so there is -- I don't think that was mine. Some shorter time period just so there is the conversation sooner rather than later on these issues. I think that it's clear we're interesting in putting in city support for these small businesses and small businesses in general. I think the city should subsidize in things we want to promote and I think subsidizing small businesses is a special thing to do. But the question is how do we want to do that and we are currently subsidizing small businesses by parking for customers and there might be other ways to support these businesses other than parking with this money. Because when you subsidize -- part of the reason we started to change the way we think about park, when you subsidize parking, you get more of whatever you are subsidizing to we're getting more people driving into downtown. That's why I think the public to either supporting low wage employees because these are struggling or supporting small businesses or public transportation is a better way to utilize limited city resources. If there's a way we could support these small businesses while supporting transportation or while supporting their workforce sounds better than supporting small businesses while supporting cars taking up more space in downtown in parking spots that cost 15 to \$20,000 each to build.

[3:19:53 PM]

So I think we can support the small businesses while subsidizing -- while continuing on a path of being a Progressive city that's thinking about how do we stop encouraging people through public subsidy to drive in a car by themselves. As the mobility committee thinks about that, it's not about not supporting these businesses, I think it should be what are the other ways we could utilize city subsidies to do that.

>> Mayor Adler: Ms. Pool.

>> Pool: Is there a way to have a five-year contract but have the look-back start in two years so that the assessment and the data collection could be prepared earlier, which sounded like, mayor pro tem, that was the angle that you were looking for. If it takes a while to compile the information. Because these parking garages are actually already built so it's not like we're saying you can't build -- you won't be

investing the money in a parking space and I know it's expensive to build a parking space, but they are already on the ground and now the concern is to make sure that the widest array possible of people are able to get access to them. Both if they are working downtown or if they are visiting and patronizing either the library or a restaurant or retail shop. So given the fact that we have these parking garages, how do we do the best we can to make them as accessible to as many people as possible, but also recognize that there is a cost involved for the city to provide it for free?

>> Mayor and council, Jacob Culbertson from parking. Sorry. We would be more than happy to definitely research and collect data on specifics for what the council would like and provide that economic development. And we've discussed collecting certain data points to present at our next talk.

[3:21:55 PM]

So whenever that -- whenever you feel that would be prudent, we would be fine with that as well.

>> Mayor Adler: I agree with councilmember pool. I wouldn't hold off a moment in looking at this question because you need to do it enough years in advance so people know whether to enter into leases, whether they know whether to do tenant finishout and these kinds of decisions have to be made multiple years in advance. For us to set the policy, if we want to set a different policy, we should decide that and then there's notice to the community and everybody knows what the policy is. It's the not having the policy and then no one knows what to do. So I would concur -- I would still support the longer period of time, but I would say don't wait at all, let's figure out the right policy. And I would look at the other locations downtown and see if there should be a same policy or rationale for doing different policies. Councilmember Houston.

>> Houston: I support councilmember Garza's amendment. I support everything that mayor and councilmember pool and said and I call the question.

>> Mayor Adler: You can't do that and then move to cut off debate. Councilmember Renteria.

>> Renteria: I'm going to support Delia's motion. I walk that area so many times, almost every day, and I'm really concerned that sometimes I'm always wondering how are they staying in business, you know. You know, there is a group of people that do shop around there, I guess, but I don't see that much. So I think that we need to do whatever we can to make sure that these small businesses don't go out of business.

>> Mayor Adler: Further discussion on this item? Mayor pro tem.

>> Tovo: Then I would suggest -- you know, I think one is data collection and you've provided us with some data. The other is actually coming up with recommendations. And you know, in looking -- some of the people who spoke to us or came today, their customers are using under a thousand dollars worth of

the garage in the course of a year and what they are paying for their employee parking is in excess of that.

[3:24:09 PM]

They would probably benefit financially from our tweaking the deal so their employees got parking rather than their customers. So I would -- it sounds as if the will of this group is to do forward with a five-year term just based on what people have talked about, but I would say in two years could you come back to us not just with data but with some recommendations about how we meet -- how we might structure the deal better so it benefits small businesses but is equitable in terms of other parking arrangements we have with consideration that, you know, we have had -- we do have different deals in different areas in our garages.

>> Absolutely. I think y'all have put the nail on that. We do want to move quickly and expeditiously, but we need that five-year period for them to have some security around that, but we will start collecting the information -- and I shouldn't say that, that we'll collect the data, but will be coming back to have the conversation with the mobility council and start looking at that, Mr. Mayor, so we can set a policy that's fair and equitable across the city owned garages downtown and bring a comprehensive package of tweaks working with our transportation folks as well as small business and economic development. Thank you.

>> Mayor Adler: Go ahead.

>> Tovo: Can I make that as a formal amendment, that in two years you would return back to full council with some recommendations either in a memo or briefing, maybe in a briefing, of how that program should move forward. Two years, because if they could come back sooner than that, I would prefer that because the longer lead time on a policy like this the better it's going to be.

>> Tovo: I agree.

>> Mayor Adler: Any objection to that additional amendment? Hearing none, that's made. Any objection to Garza's amendment? Hearing none. The main motion is in front of us. It is at five years and with the addition that the mayor pro tem just added.

[3:26:09 PM]

Any further discussion on this? Those in favor please raise your hands. Those opposed? It's unanimous on the dais. Thank you.

>> Mayor Adler: Okay. I think this gets us to item number 16, Olenick settlement. Do you want to read into the record the terms of the settlement proposed?

>> Michael sea gull, law department. As part of the proposed settlement the city would dismiss property maintenance and collections lawsuits. In exchange the city would receive \$150,000. In addition, the buyer of the property in question would record a right of refusal which would give the city the right to buy down permanent affordability at future developments. In addition, the buyer would record restrictive covenants that provide 15 years of affordability for four parcels in the area. And these would only be subject to release after the buyer offered the city the right to purchase the four parcels in question.

>> Mayor Adler: Is there a motion to approve this settlement? Mr. Casar makes that motion. Second? Ms. Houston seconds. Further discussion? Those in favor please raise your hands.

>> Casar: I want to talk about it quick. It's been a saga for my district. So I want to thank the city staff, especially the city law department and code and the housing department for working really diligently on this. You've turned what is a really, really bad situation into something less bad. The original situation is that a landlord in my district had his property deteriorate to the point the city found it unsafe for people to live in and for health and safety reasons people had to be moved out.

[3:28:16 PM]

Then on the taxpayer dollar we had to relocate constituents of mine out of the building. So that's obviously an unacceptable situation. The original settlement was not adequate and this is better so I appreciate my colleagues' support in denying that settlement and supporting this one today. Essentially because of what I think is really bad state law, the amount of fines we could collect on this building could potentially be pretty low, but I think with this settlement we can get some of the money back that we are owed and then guarantee affordability for the existing tenants that still live on 52nd street with the option to purchase more affordability or purchase these properties ourselves and I think that goes to show a lot of hard work done by the legal department as well as with the buyers. And so, you know, even though I would really have preferred to just have maintained orchard plaza as an affordable apartment building where my constituents could safely live, you know, we can't control everything people do in the city and it's unfortunate what happened there, but this is certainly a better result and I really appreciate it. So with that, I would accept this. I do have one question though. Can we make sure this money goes into the housing trust fund that was used to relocate these tenants or would that require a future resolution?

>> That would require a future budget amendment.

>> Casar: Okay. I'll bring that forward then myself.

>> Mayor Adler: It's been moved and seconded. Those in favor raise your hands. Those opposed? Unanimous on the dais. Ms. Troxclair abstains, the others voting aye. Passes. That gets us to 19. Ms. Houston had a question, her question was answered.

[3:30:18 PM]

>> Houston: I need to move --

>> Mayor Adler: Is there someone that wants to move approval of item 19?

>> Houston: I would do that.

>> Mayor Adler: Is there a second in Ms. Garza seconds. We have two people signed up to speak on this item. Let me know if you still want to speak. Gus peña.

>> Yeah, I do.

>> Mayor Adler: Mary murgler will be on deck if she wishes to speak.

>> I'll make it brief, Mr. Mayor, Gus peen in -- Gus peña. I'm a former bailiff. I want to thank the council for recognizing the need of the poor. Used to be a termology when you couldn't pay, you lay it out in jail. This is a viable option also to help out the individuals that are incarcerated. I'll keep it brief. It's good, we support it, and mayor and councilmembers, thank you toker this because I brought it back ten years ago, I brought the issue back five years ago and judge coffee knows about it, but I want to let you know judge sherry Steadman is top notch as is judge Coffey. Keep up the good work, people, you did good work on this item in the agenda. Thank you very much.

>> Mayor Adler: Thank you.

>> I'm Mary murgler and just thank the council for the issue of equity and justice in the municipal court.

>> Mayor Adler: Thank you. It's been moved and seconded to approve 19. Ms. Garza.

>> Garza: I just -- I want to thank my former aide, Brian, who led the beginning of this resolution, and my current aide that continue the conversation and the advocates and staff.

[3:32:19 PM]

You know, this was a really amazing process for those who may not know exactly what we're talking about is for offenses that don't have the punishment of jail, the person can actually still be put in jail if

they don't pay their fines or don't do their community service, and this is a nationwide problem of basically jailing people for being poor. And so I'm really proud of what we accomplished here and the advocacy was great on this. Everybody gave a little, everybody continued working forward to this goal and so I really hope to -- that we can see some changing policies in our municipal court and just thank you for everybody who worked on this.

[Applause]

>> Casar: I also want to thank council for having worked on hard on this and all the staff and advocates and a special shoutout to councilmember Garza and her staff. Apart from the moral issues and the constitutional issues that are so important to so many of us, I think it's really important that we recognizes this is a public safety issue. In many ways this is a big step forward for our community safety because we are only making our community less safe when we are destroying folks' lives by having them spend jail time for something they frankly can't control if they are unable to pay their fines. I think we should keep thinking about how to keep people from necessarily getting put in jail because that is a key issue if we want to make our community a safer place to live.

>> Mayor Adler: Thank you. Did we take the vote on 19? All those in favor of 19 please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off. No she's not. Ear all here.

[Applause] All of us are here. Thank you.

[3:34:19 PM]

Can we do the consent on planning and let some people go?

>> Thank you, mayor and council. Greg Guernsey. I'll go through our 2:00 items for consent or consent postponement. Item number 62, staff would offer this for consent on all three readings. Item 63, this is ready for consent approval on second and third reading. 64, case c14h-2017-0082, consent approval on second and third reading. Item number 65, this is for a staff postponement to December 14. Item 66, this is for a staff postponement to December 14. Item 67, this is for applicant's request for postponement to 12-7. Item 68, this is for applicant request for postponement to 12-7. Item number 69, this is for consent approval on first reading only. Item 70, case npa-2016- 0016.04, staff request for indefinite postponement. Item 71, case c14-2017-0020, this is for a staff request for indefinite postponement.

[3:36:23 PM]

>> Mayor Adler: Was 69 not on your list?

>> That was for consent on first reading only. Item 72. Item 72, staff postponement to 12-7. Item 73, this case has been withdrawn. No action action is required. Item 74, this is for staff postponement to December 7.

>> Mayor Adler: 74 is December 7 or 14?

>> 7. Item 75 has been withdrawn. No action is required. 76, c14-2017-0067 for staff postponement to December 14. Item number 77, case c14-2017-0050, for staff postponement to December 14. Item 78, case c14-2017-0051, this is for staff postponement to December 14th. Item 79, case c14-2017-0072. We have 13 speakers so that will be a discussion item. Item 80, c814-2017-004, staff would offer for consent approval on first reading only. Item number 81, this is for a staff postponement to December 7th.

[3:38:25 PM]

Item number 82, c14-2017- 0111, staff would offer this for consent approval on all three readings. Item 83, c14h-2017-0065, staff would offer for consent approval.

>> Mayor Adler: Consent 65 through 83 and all consent with the exception of 79. Is that right?

>> Yeah, 79 is --

>> Mayor Adler: Motion to approve the consent agenda? Councilmember alter makes that motion, seconded by councilmember Houston. Discussion on the consent agenda? Yes, councilmember alter, then councilmember pool.

>> Alter: Thank you. I just wanted to take a moment for number 80 to thank a couple neighbors. Deb and Kevin who really took a lead, working with the applicant, and also want to thank the applicant and their representation and the entire team for diligently working with the neighbors to address all concerns. I'm really, really excited about what this Holdsworth center is going to be not just for our city but for our state. It is going to offer a place for public school teachers, it's an investment in the future of our children and I really appreciate the way that they approached this project and I look for the benefit of to seeing it -- forward to seeing it move forward.

>> Pool: And mayor, I just want to indicate my no vote on item 63.

>> Mayor Adler: There's been a motion and second on the consent agenda. Further discussion on the consent agenda?

>> Flannigan: I want to be shown voting no on 62 and 82.

>> Mayor Adler: Thank you. Further discussion? Those in favor of consent agenda, please raise your hand.

[3:40:25 PM]

Those opposed? It's unanimous on the dais with the notations made.

>> Mayor, just to note, on but earlier today it was announced that would be taken at 4:00.

>> Mayor Adler: Okay. Than that's item 94. But that was set for 2. 94 will still come up. Now we're going to continue handling items on consent agenda but pulled. Councilmember Flannigan has asked that we take up item number 79 since he's not going to be here this evening and it's in his district. Mr. Flannigan, motion?

>> Flannigan: Motion to approve the Z.A.P. Recommendation including co prohibiting bail bondsmen and I'm willing to allow this to concede forward. This alliance with the draft ordinance already in the backup on the item.

>> Mayor Adler: Is there a second to this motion? Councilmember Garza seconds this. We have some speakers. Councilmember alter.

>> Alter: I just wanted to get clarification if you can confirm if adult entertainment is prohibited in that co?

>> Flannigan: Yes, the cos prohibit adult oriented and bail bond and pawn shop.

>> Alter: You said it very fast.

>> Flannigan: It's also in the draft ordinance. It's not just what I'm saying out of my mouth.

>> Mayor Adler: We'll call the applicant up first, give the applicant five minutes.

[3:42:29 PM]

>> Mayor, mayor pro tem, councilmembers, city clerk's office is going to hand out a handout that I'm also going to go through in my presentation. Ron thrower, representing the landowner in this case. The property is located on 12611 hymeadow, at the intersection of hymeadow and U.S. 183. This particular exhibit shows the property in context to 183 and 620 and the area in pink is the regional activity center and the imagine Austin -- comprehensive plan. Also you can see the traffic counts on 183 over 100,000 vehicle trips a day. This exhibit, the property is 1.4 acres and shows it in an area that is surrounded

largely by commercial with a hotel that's at the rear. And beyond that is apartments and beyond that some single-family in the etj. And again, this one shows the uses that are actually in the area and you can see there's restaurants, movie theater, pin ball arcade, car wash, sports bar. This piece of property used to be a CVS at one point in time. This next exhibit shows existing zoning and we're asking for this to put in a liquor sales use on the property. As was noted at the prior hearing, there was a restrictive covenant on the property that covers all the area colored here and the property is lot 4. This is a list of the prohibited use. In order to remove a prohibited use it takes all. This shows the other properties in this area. Deb's liquor, there's a cs-1 zoning in a parking lot close to Anderson mill that doesn't have a cs use.

[3:44:34 PM]

Twin liquors and then on the very north end there's a cs-1 property that cannot be used as a liquor store or a cocktail lounge and we discussed that at the previous hearing. We had gone out and knocked on over 2,000 doors in the area and made a couple thousand phone calls to get a sampling of what is occurring in neighborhood, what are their desires. And in the exhibit the handout, you can see the demographics of the area. I'm not going to go into detail on that, but you can also see that -- we had 397 responses and do you feel safe outside your home, 99% of the people do. Do you feel safe in the neighborhood compared to other parts and the answers are almost 60% yes. And 41% about as safe and a small percentage less safe. Would you like to see a fast convenience -- or convenience to quick access of liquor and some grocery ab it's overwhelmingly yes and maybe. And then on 183 again overwhelmingly yes and maybe. This particular exhibit I want to point out that shows the etj as well as the city limits and you can see this property is basically on the city limits. There's some areas in this same zip code where this liquor store could go without going through rezoning process and we're going to go through this rezoning process, that's what we're trying to do. The reasons to support, obviously we're on a major highway. The use is buffered from the interior of the neighborhood. The location is convenient without being obtrusive. And there's many local residents that support this rezoning request. Staff has provided a positive recommendation for it as well as the zoning and platting commission with a vote of 8-1 in favor of the rezoning request. With that I'm available if you have any questions. Thank you.

>> Mayor Adler: Thank you. Then we'll go to folks that are signed up.

[3:46:42 PM]

Mack Sharon and Dan knight. Is on deck.

>> Mayor Adler and mayor pro tem Kathie tovo and Jimmy Flannigan, who is our district rep, I want to let you know that we're in the neighborhood, about 2200 households, and I don't have only one person that is in our organization that was approached for this survey that was taken. And I don't know whether it's good or not, but I still am not in favor of the rezoning for a liquor store. We got lots to offer in our neighborhood. Many young parents seeking to raise their children in a safe environment. The neighborhood that we have is -- did not get this way by accident. We the neighbors have crafted it with sometimes hard-fought battles even down here in front of this body. The area where this liquor store is located is adjacent to this crossing suites where it's the highest crime rate in our neighborhood. This hymeadow drive is a major intersection going into our neighborhood and to the heart of it to the sports complex. It's optimist club, town and country sports complex with 28 ballfields, and we have about -- from there statistics, they offer seven sports for youngsters.

[3:48:49 PM]

They average approximately 8,500 young people per year participating in these sports. That's a lot of youth. And some of our concerns are that these -- a lot of these people are coming down that hymeadow street. And right behind this area of -- where the liquor store is going to be is the Hendricks apartments, of which used to be the international apartments, and there is a lot of high crime rate there also, responding not only from APD but from Williamson county sheriff's office. But to me and my other neighbors, why would we want to aggravate an already unsafe conditions at one of the major entrances to access the ballfields where families travel every day. Well, we don't. Please vote no and help us continue to have the best and safest --

[buzzer sounding] Environment for our young people to do that we can provide. Thank you for hearing me today.

>> Mayor Adler: Thank you, sir. Stand knight here? Then Kathy Mandell is here. Is John Mandell here? Okay. Sir.

>> Mayor, councilmembers, good afternoon. My name is Dan knight. I'm one of Mr. Flannigan's constituents. I wish we had had -- been able to obtain survey results before now. I would -- I wonder if the -- how many of the respondents knew that the liquor store is proposed to be in the hot spot of crime for our area. That's the question I would have. I'm still puzzled why Mr. Flannigan used an apparently unprecedented maneuver that led to the rescision of the council matter on this earlier.

[3:51:07 PM]

And why specs from Houston appears to rate higher than his constituents and area residents. Moving this proposed location a couple blocks north or south on 183 would create a completely different environment. Now, other speakers will talk about why this is perceived as an unsafe environment, sort of a bad idea, I guess. Now, it's my understanding that there's nothing in the city rules and regulations that prevent this zoning change. But on the other hand, there's nothing that says it has to happen either. So that's your decision at this point. Thank you.

>> Mayor Adler: Thank you. Kathy Mandell, you have five minutes. Is Lisa Finley here? Lisa Finley?

>> Yes.

>> Mayor Adler: Okay. And Bobby Levinsky no?

>> [Inaudible]

>> Mayor Adler: Please proceed. Five minutes.

>> Mayor Adler, mayor pro tem, councilmembers, we're back. I am Kathy Mandell. We have lived in forest north since 1973 and watched as many new families and businesses have come into our area. It really is a wonderful neighborhood community with lots of restaurants, family shopping, including several liquor stores. So it is not the liquor stores per se that we oppose n2016 when specs wanted to rezone the office space, it was agreed this was ideal location and we weren't involved in that case at all. It is placing a store on this property that has a high crime rate and the accompanying cs-1 zoning. Over the years at our neighborhood meetings, I listened to the crime reports given by APD and Williamson county deputies referring as this as the hot spot for crime.

[3:53:16 PM]

I didn't think too much about it, it was over on the highway, and mostly we were concerned about crimes that involved the residences, such as home and vehicle burglaries. Most neighbors probably are not aware of the crime in this location. But as I've researched this zoning case, I found APD responds to many calls in this block, especially incidents of assaults, family disturbances, burglary and theft, and criminal trespass. In just the four months while this case has been pending, there have been 24 incidents including five family disturbances. And I've learned that children who live in the crosslands economy studios and the wood springs street -- wood springs suites hotel are considered homeless and come under the umbrella of Round Rock ISD's family and transition program. This is similar to Austin's help initiative for these children. The school district is working very hard to make it possible for them to attend school and make progress, though living in a transient environment. Many of the elementary and middle school children walk to and from school. The children and youth who reside in these complexes already face many obstacles from an unstable living environment. They do not need to be exposed to the negative consequences of having a liquor store across their driveway. As regards other cs-1 uses, it is

evident from the heritage center northwest documents the original developers intended this block to be family friendly and whole some. It was not meant to have many of the uses allowed under cs-1. However, such conditions and restrictions are difficult for neighbors to enforce without the city's help. This complex in broad zoning district in cs-1 is not appropriate for neighborhoods and the nearest neighbors are already living in an unstable and disadvantaged environment. Please do not add another layer of difficulties to these families. I ask that council deny this zoning request. Thank you for your time and for your concern.

[Applause]

>> Mayor Adler: Thank you.

[3:55:18 PM]

Lisa Finley. You have three minutes. And then on deck is Brian Finley. Is Brad parson here? You'll have five minutes, Mr. Finley. Ma'am. Bobby levinski had donated time but he's not here.

>> [Inaudible]

>> Mayor Adler: Brad is donating to Brian Finley, next speaker. Please proceed. Three minutes.

>> Mayor Adler and mayor pro tem tovo and councilmembers, you've heard a lot of discussion about the crime reports and all. I'd like to add something to that. We discovered two days ago that the APD crime reports do not include ems calls to that location. Ems calls run the gamut of drug overdoses, injuries from falls and other purposes to medical -- true medical emergencies like heart attacks, et cetera. To people who say they just don't feel good. There are a lot of these calls, possibly equaling the number of APD crime calls. Since that was called to our attention only two days ago, we have not had time to receive the open records request for this data. But for more specific data, but we will be getting that information. Back to the children living in the hotels.

[3:57:22 PM]

These are children who have been homeless, literally homeless. And their families or their single parent or some such person has been able to get them into temporary housing in these extended stay hotels that are as close as 35 feet across a driveway from this proposed liquor store. Would you want your children in that kind of a situation, living 35 feet from the liquor store? It just doesn't make sense. These children are already considered transient and homeless by the school district. They are already living in very fragile circumstances, very fragile financial circumstances, very fragile family oriented

circumstances. They already have obstacles -- many obstacles to overcome. Front door is -- is not -- not a good thing. It should be noted also that the population --

[buzzer sounding]

-- Of other children living in the Hendricks apartments is extremely large. Much larger than the ones that are considered at risk. So this is something that needs to be considered. This is a very high population of children, very close to this liquor store.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you. Mr. Finley, you have five minutes. Susan Ortiz is on deck.

[3:59:23 PM]

>> [Inaudible]

>> [Off mic]

>> Mayor Adler: To Mr. Finley? Okay. Mr. Ortiz, yielded time to Mr. Finley, so you're going to have seven minutes. The next speaker on deck will be Chris McDonald.

>> Mayor, councilmembers, appreciate your time. One of the things that we have discovered that the -- in our neighborhood, the Round Rock school district is planning on putting a bus stop there by these apartments. We're not sure when they're going to do this, but there's so many kids in our report, it told about how many kids were involved in each of the schools around our area. And there's going to be a lot -- there's a lot of other kids there that are not listed in the school because it's just -- we believe that what the deal is, is that the kids are in such a lower economy, they just -- they can't live anywhere else, so they get permission to live there. But there are a lot of -- the fire department told us that there's just a lot of kids there. Every time they go over there, they've got to notice all these children. Regardless of what the regulations are in what you all consider the proper zoning, the regulations are not something that we feel should be the criteria for this particular location. We realize that there's just too much, too many problems there. Fire department goes over there, they have to wait until the law officers get there because it's not save for them to go in on some of these reports that they have to deal with.

[4:01:31 PM]

And so if the police officers tell them that it's not something that they're going to have to worry with, then they're free to go and clear up -- and go back to their station and then proceed on with what their activities are. We just -- we just feel like that this is a -- this is a very bad spot to have this liquor store because of the immediate crime area there. So the crosslands studio, I believe that you all have looked at the -- I believe you all have this in your account patently of things that you were supposed to be looking at, that tells about the cross land economy studios is located right there. Their driveway is 35 feet from this hotel. And it says -- the sign that we had -- that we copied off, took

a picture of: Newly renovated studios, daily and weekly. Rates available. No lease, no credit check, no utility bills, no hassles. Gives their phone number. Now, this tells me that they really don't care who lives there, but that all these kids are living there, and it's not a safe environment. We don't feel like a liquor store is the proper -- proper thing to have at that location. We have not objected to other liquor stores, service stations that sell liquor, but this is just the hot spot for our neighborhood. And we just cannot see that this is a proper place for this liquor store. So we just -- we just look at all the assaults and the family disturbances, the burglary and the theft and the drug and alcohol related problem, criminal trespass, and so forth.

[4:03:42 PM]

We just do not feel like that this is a safe place for a liquor store in this area because there are hundreds of people living in apartments and so forth right there at this spot, or just behind this Crossland economy studios. And there's just a lot of shoplifting and stuff that take place across -- across hymeadow in the stores over there, and we just can't help but feel that people get liquored up, and they're going to be creating more problems. I realize they can buy their booze somewhere else, but this is just too convenient for this area, for the high crime area. And we just -- we just, again, just can't understand why anybody would want to put a liquor store there, knowing that this -- this situation of the high crime area is in that spot. We know that there's not a lot of crime in our area overall because we have police officers that come to our meetings and give us reports. And it might be the Austin police department, it might be the Williamson county, it might be the sheriff's department, so we are aware of what's going on over there. And my constable that I usher with at church used to cover it when he worked for the city of Austin, and he said that's not a good thing to do, having a liquor store there. I thank you for your time. I just appreciate the fact that you've been able to listen to us today, and I would just reiterate that there's just not -- it's just not a safe environment for a liquor store to be there with all of our other problems that we have in that area.

[4:05:43 PM]

It's a -- it's just the main entryway off of 183 into our subdivision. There is a tremendous amount of traffic there, and as the city grows, people are trying to get in a little bit faster speeds, and they're doing all these other things that they do that's just a nightmare, and all the traffic that goes through that area. I guess that's all I've got to say. I just hope that you all realize that is in not a safe place or not a safe environment for the children in our neighborhood. I thank you very much.

>> Mayor Adler: Thank you, sir.

[Applause]

>> Mayor Adler: I think I had Chris McDonald and then aletta sung? You'll be up next.

>> Thank you, council, for letting me speak today. I don't want to have your job. You've got a city of a million people, and you've got five million opinions on, you know, 79 things so far today, or whatever. But this is -- you don't need a handout. There is three extended state places right here and a huge apartment complex within under a thousand feet. This is absolutely the worst spot in district 6 to put a liquor store. Anywhere else, fine. But you tell me you're going to put a liquor store with a mascot that's a cartoon bunny rabbit, right in the middle of all these kids. The reason these are families in transition -- let me tell you something, if you're renting a place for a week at a time, you don't need a liquor store in your backyard. And furthermore, when you exit 183, it's next to impossible for anybody to get over that far. So if I was spec's and I was looking at the demographics, I would say, well, we've got plenty of people that can walk up. There's no doubt that place will stay in business because these people are going to walk right over there. Fact of the matter is, this is a horrible spot. I've heard a lot about being advocates for the poor. These are the poorest people in district 6. These are absolutely the poorest people in district 6. You want to be an advocate for the poor?

[4:07:43 PM]

Vote against this. It's ridiculous. There's all kinds of unused space in this district that can be used as a liquor store. I'm sorry that they lost the spot at office depot. That would have been a great spot. No one's against it. But this particular spot is horrible. And Mr. Ferguson that owns the property, I feel bad for him, but we can stick something else there. It's not the end of the world. It doesn't have to be a drug store or liquor store. I mean -- so that's about it. I just want you guys to think about that, less than a thousand feet, kids, kids, kids, advocate for the poor, car upon bunny rabbit, terrible, terrible, terrible idea. Thank you for your time.

>> Mayor Adler: Thank you. After Ms. Sung, I have Carol buck NER. You'll be our last speaker, at that podium.

>> Good afternoon, mayor, mayor pro tem, councilmembers. I'd like to read you a paragraph of the city's zoning guide about cs1 commercial liquor sales. It says commercial liquor sales district is intended

predominantly for commercial and industrial activities of a service nature, having operating characteristics or traffic service requirements. Generally, incompatible with residential environments. So I live very close to this property. I used to live in that apartment 20 years ago, and it's a huge, huge apartment complex. And that's why there are problems, because when you have so many people living in such close proximity, yeah, you will have issues. I can walk from my property -- from my house to this property in less than ten minutes, and it's so close to where people live -- I drive by this property every single day on my way home. I see children play outside, also in the swimming pool in the summertime, well into the night. So, you see, there was a reason that the property was zoned the way it is today, because it's just so close to where people live.

[4:09:45 PM]

It is in a residential environment. I know it's just off 183, but it's such a unique setup in that area, like they just put houses right next to this one line of properties, so it's not -- it's really a residential district with some businesses on the front. And so I heard the argument in favor of having a -- in favor of the rezoning to address the crime issues, is that having a liquor store there will actually reduce crimes in the area. Really? Then should we replace our police station with a giant liquor store? You know? I would think that it is the policeman that fight crimes, not liquor stores. You know, yes, a property owner has his right to apply for a change of zoning, for the good of his business, whatever the business is. But I believe that it is our council -- it's up to you to decide whether it is good for the people in your care. And so I hope that -- another point I want to make is that a liquor store certainly does not belong there where children play. And this is the third time that the neighborhoods association has come before you to petition against this zoning change. And I hope you have heard us. And I like to thank mayor pro tem, councilmember pool, councilmember Houston, councilmember alter, for your past support. I'm asking you as a governing body of our welfare to vote no today --

[buzzer sounds]

-- To keep a liquor store out of our residential area. Thank you for your time.

>> Mayor Adler: Thank you. I have Carol Buckner as our last speaker.

[4:11:47 PM]

Go ahead. Three minutes.

>> Okay. Good afternoon. I am a forest north neighborhood resident, 20 years, naswac member, member of the community. We're all members of some community, whether it be work, business,

school, neighborhood, book clubs, or a community called Austin, Texas. We all have something to offer, like pieces of a puzzle, each contribute to the whole picture. City council participates in large-scale decision-making, while we offer specific smaller-scale information to help you make advantageous, large decisions. This is one such input, I feel. When you leave here and you go home, we walk in similar shoes. I don't walk in similar shoes to wall up there, but y'all walk in similar shoes to us in the neighborhood. If your street or even two streets over received 90-plus police calls, plus numerous ems calls over a 15-month period, what would you think? What would you feel? Unsafe? Suspicious? Angry? Compassionate? Curious? Maybe more so if you knew there were kids living there. Then someone wants to rezone a property for a liquor store because they make or generate good income. It's good for business. Yes. Business is good for a city. I'd like to think that we are all partners in the overall ideal of a vibrant, balanced, healthy Austin. Is it good for people? Sometimes. Sure, it is. That area is not just one home, though, it's not like passing up a good deal for the many, just for a few. That is many people, many homes, and the problem has been created over many years. It's not just a one-time, few-month thing, it's many years that have created this somehow unstable, unhealthy aura in that area, which I wonder if a backyard liquor store would exacerbate.

[4:13:57 PM]

A restaurant calls you when you're hungry. Clothing stores speak to many different people. And a liquor store will call people who like alcohol. If you're responsible using alcohol, wonderful. Easy access, backyard, will it allow or encourage alcohol use, abuse, uninhibited behaviors? Domestic violence? Neglect, abuse of self, and others. I'd like to advocate for people in my community to protest the liquor store in this location. Can another business fulfill adding to our community and the city of Austin while this liquor store can find another home? I'd like to think yes. And I'd like your help doing it. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Councilmembers, that brings us back up to the dais. Motion on the dais is to approve this item. Discussion? Actually, I want to give the -- I need to give the applicant the opportunity to close. Three minutes. And then we'll get to you --

>> Thank you, mayor and council, I'll be brief. I have one more slide I want to show you, and also go through some other statistics -- also go through some other statistics. This particular slide shows the area where the liquor store is going in blue, and that area has a crime rate at 1.57% of the total crime in the city of Austin. The area in Orange is 78741, which happens to be where I live, and actually a has the highest crime rate, that's at 8.82%. The area in green has the lowest crime rate in Austin. And I want to point out that there has been seven zoning cases in front of the 10-1 council where they have voted for cs1 zoning for liquor sales, and five of those are in higher crime areas than are in this area, and some of

those are very near schools, and a lot of those are within 300 feet of a school, a little bit beyond, because of the tab records, but also close to apartments and very close to single-family neighborhoods.

[4:16:13 PM]

I don't see that this particular incidence is an overwhelmingly different situation than a lot of those. Again, I want to point out that we're on a highway with a hundred thousand vehicles a day, and there is a lot of alcohol sales that occur in this area, with a lot of the restaurants that are in the area. And with that, I'm again available if you have any questions, and would welcome your support. Thank you.

>> Mayor Adler: Thank you. Mr. Flannigan? And then Ms. Kitchen.

>> Flannigan: Well, I want to again thank the district 6 folks for coming down and advocating. We live very far away from city hall so I appreciate the effort that you have to put in for this, and the frequency with which you've been asked to do it. I know there have been questions about the path this case has taken. It was very unusual for it to fail four to five, as it did originally, and so it has taken an unusual path. Hopefully, we will, if not on all three readings, will at least get one step away from closing the door on this case. There are a lot of concerns about liquor stores, and we've heard other cases where people are concerned about liquor stores in proximity to schools or churches, and in accordance with the code. It gets a little more challenging when we're talking about children that live in residences because children live in residences everywhere. Some of the other points that my neighbors brought up, you know, the town and country fields are more than a mile away. They're not next-door to this location. This location is on an access road, on a highway. It's not a place that anyone would consider in the middle of a neighborhood; it's certainly on the edge of anything it's on the edge of. Being on the highway, the closest school is west wood high school, and not only is it, if I had to guess, more than a mile away, there's a whole other liquor store between it, this location, and the high school.

[4:18:20 PM]

There are many places in district 6 where we have liquor stores. There are places in district 6 where you might build one. I guarantee you no one who lives near those places will say it's a better place. If we want to put all of our liquor stores in the middle of lakeline mall, there wouldn't be any residents to complain, but I don't think that would be good, either. I know people are frustrated with this, and I get frustrated because I want to see this council make policy in a consistent way. And my frustration with the process is outside of the existing 300-foot rule around giving the ability -- or the council the ability to deny an application, there doesn't seem to be any consistency with how we apply cs1 zoning. And that's

been my frustration. Like I said, this is a property on a highway. This is a location that hasn't been able to sustain a business. It's been availability off and on for 78 years.

-- For many years. I lived there for many years, I drove behind it to go home for nearly ten years. I'm extraordinarily familiar with this area and the proximity of other places to this location. And ultimately, if we boil it down to just the proximity of the extended stay hotel, I have found no evidence that the presence of a liquor store exacerbates the situation. I know we can feel that it does. I know that we can feel that it does. But I have found no evidence that it does. In fact, we have approved liquor store cases in areas with higher crime than this, and there's been no evidence that it caused a bigger problem. So I continue to support the case, but I just want the folks in district 6 to know that we can have a disagreement on this thing. When the next thing comes up, I am still listening to you. We will still work together. There will be many items to work on. Certainly traffic items that we'll work on. Don't -- don't give up on the process, because I'm not giving up on the district.

[4:20:26 PM]

And even though we can disagree on this, and I hope my colleagues will vote with me on this case, we have a lot more work to do in the district. So thank you.

>> Mayor Adler: Thank you. Further discussion on this item? Yes, Ms. Kitchen.

>> Kitchen: I have a question, and it may be a question for staff. My understanding when we talked about this before is that zap voted in favor of the change, but they had some -- they had some cos -- and my apologies to councilmember Flannigan because I know he's not a fan of cos, but I want to get clear on what zap recommended.

>> Yes, councilmember. The zoning and planning commission did vote 8-1-1, and there was a friendly amendment to add conditional overlay prohibiting adult oriented business, bail bond services, pawn shops, and alternate financial services, which I believe is already prohibited in that cs1 district, but they did have some conditional overlays, and they are reflected in the ordinance which is attached as your backup.

>> Kitchen: Okay.

>> Under part 2, it specifically addresses it.

>> Kitchen: Okay. That was my question. So the motion that's being brought forward does include what zap recommended.

>> Yes.

>> Kitchen: Yes. Okay. Thank you.

>> Mayor Adler: Okay. Further discussion from the dais? Ready to take a vote? Councilmember alter?

>> Alter: I'm sorry that the neighbors have to be back here yet again. I voted no the first time we voted on this, and I'm going to stick with my vote. Nothing has changed to change my mind on that.

>> Mayor Adler: Okay. Further discussion? Take a vote. Those in favor, please raise your hand. Troxclair, Garza, Casar, Flannigan, me, and kitchen, and Renteria.

[4:22:28 PM]

Those opposed? It's the other four, the vote is 7-4; this is approved. Thank you. 7 to 4. So that was approved, all three readings. We'll now move on to the next item. As recommended by zap. 19 we've taken care of. What about number 26? This is the Mooreland annexation. Ms. Kitchen?

>> Kitchen: I pulled this item; I have some questions for staff, and I also have just a procedural question. If we don't -- well, I'll ask the procedural question nominate. So questions for staff. So I'm wanting to understand better the properties that we're talking about annexing. Can you kind of describe the matter?

>> Yes. Greg Guernsey, planning and zoning. I'll put up an aerial that might be a little helpful. Top typical the area is surrounded by the city of Austin. Has mainly residential on three sides, north, south, and east. These parcels or the properties basically have to go through the city of Austin to get in and out of the subdivision. It's predominantly residential, from a street called easy, which is just behind Menchaca road going to the east. There are a couple residences that are between easy and Menchaca that front easy street. Those parcels that are along Menchaca road are commercial. They bring in not only property tax but also sales tax.

>> Kitchen: And what's in front of us is annexing the entire tract, as opposed to commercial versus residential?

[4:24:30 PM]

>> Yes. The proposal would be to annex approximately 34 acres. The commercial parcels that front on Menchaca road comprise about five acres, plus or minus. Approximately.

>> Kitchen: Okay. Is there any -- suggestion has been made that perhaps this could be divided between commercial and residential, so has that been done before, to divide up a parcel, or --

>> Yes. We could -- you could, as council, move forward to annex only those properties that front on Menchaca road, the commercial properties, and then leave the remainder, which are the residences further to the east, to be outside of the annexation area. So you'd basically -- we've already notified the entire area, and so all those property owners are aware -- I think the majority, if not all the testimony that you've heard previously, are from residential property owners, some being commercial owners that work in the city of Austin but live? This residential portion of the subdivision. But we could limit the annexation to that approximately five acres of land along Menchaca road.

>> Kitchen: Okay. Thank you. I'm not going to be able to support the annexation of the residential area for the reasons -- we've had two public hearings where we had folks testify, and my primary concern has to do with the impact on the individuals living in this area, as they've testified to us, there's concerns related to affordability for them. This is an area that the city grew out to and now has grown around, and many people have lived there for quite some time and are concerned about the cost to them, both from taxes and also if they need to go through any processes to do anything to their homes.

[4:26:36 PM]

So with regard to the residential area, I would not support an annexation.

>> Mayor Adler: Councilmember tovo. Mayor pro tem. Sorry.

>> Tovo: I'd like to ask our staff to talk us through the rationale for suggesting the residential annexation, please. If you could remind us why staff have brought this forward for our consideration.

>> You may recall that this was in our annexation plan last year, and you had, at our public hearings, neighbors that came forward that had some concerns about increase of taxes and their housing affordability. From staff standpoint, this is an area that is basically surrounded by the city of Austin, full purpose. The folks that live here, as I said, go through the city of Austin for all their services, for the majority of their shopping and recreational activities. From a safety -- public safety standpoint, we would like to have an area that is contiguous, when we come out and do emergency services, if there was a fire or there was a police, that protection is offered in a manner that we can get to all citizens actually and easily, rather than having a division of a roadway as being a divide between having county services provided or city services provided, not having residents that may travel through this area or live in this area, not necessarily know who's providing what service, when and where. We would have no additional services that would be provided to this area other than -- services would be brought in, no new waterlines or sewer lines that I'm aware of that would be provided, but there is, I guess, the equity issue of the neighbors. Things that can happen in the county that the city will not have control, may actually affect citizens within the city, discharge of firearms, fireworks, businesses that could occur in this area that's surrounded by the city of Austin that may be objectionable to the city of Austin residents, but city of Austin residents would not have any say.

[4:28:48 PM]

>> Tovo: But they would be immediately adjacent to this section that has been carved out as non-city, if it's not annexed.

>> If it's not annexed, it would remain non-city.

>> Tovo: So in terms of the general practice of the city of Austin, it sounds as if this section meets the criteria, it's surrounded by city of Austin, it is an area where the residents of that -- of that area are using city services, as you mentioned, in terms of roads and other things.

>> That's correct.

>> Tovo: So is this pretty -- is this pretty typical to other areas that we've annexed? Is it consistent with other previous practices of annexation?

>> Yes, it would be consistent with our previous practice. Our practice in the future will obviously change because of state law going into effect in a couple weeks, but this would be consistent with our past practice.

>> Tovo: I was talking about consistent in terms of identification of areas that are appropriate to be annexed.

>> Yes.

>> Tovo: Okay. Thank you.

>> If we were operating under the new state law, how would this be approached differently in I feel like these people are kind of in this weird moment in time.

>> Actually, staff doesn't consider this a weird moment in time because this was part of our annexation program last year, and we -- council paused to this year. But going forward, after December 1st, new state laws take into effect, those property owners would be required to have notice and would actually have a voice or say in the annexation. It may trigger then a citywide election in order to bring them in, and that would be certainly a sizable cost to the city to hold an election just for this particular property. It would have to be talked about in a larger context with other properties or other elections that the city may be bringing forward.

[4:30:50 PM]

>> Alter: So it's not that they get to vote, it's the whole city --

>> They would have the right to vote and basically say we do not want to be annexed.

>> Alter: But if they -- if that group of people voted no, could it most of forward under the new law?

>> I'd have to possibly go back and look, but I believe they could basically say we're not being annexed under the state law.

>> Alter: Okay.

>> I'm sorry, I was having problems hearing y'all. Can you summarize that for me.

>> They could basically object and not allow the city to go forward with the annexation.

>> And that goes into effect when?

>> December 1st. City staff did not bring forward any new annexations this year other than the ones that were brought forward to you last year.

>> Mayor Adler: For me, this is a sense of what I think is fundamental fairness. I think that the people that live in this area are being able to enjoy the roads and the streets, the library we just built, the parks, everything that happens in this city, as are all the people who live all around them, and all the people living all them are participating in those -- in those costs, and we divide those costs and we share them. And I think that's what's fair and right, so I would support the annexation here. Councilmember Flannigan, then councilmember pool.

>> Flannigan: Thank you, mayor. I have a different analysis on annexations. I appreciate the concept that these people are accessing city services, but I think when you annex and you have to provide services to an area, I don't think the math pencils out. I think what you end up with is the rest of the city subsidizing the new area of annexation because the vast majority of the costs are related to public safety and other services.

[4:32:52 PM]

And I just don't think the math works. And my frustration with annexation on the edge is that, typically, the rationale that staff brings, and it's probably based in prior council decisions, which I can understand, that rationale never ends. You always can say that the next parcel out is benefiting from, and I know most of us, in fact, represent areas that are on the edge, just based on the way the districts got drawn. My areas are more recently annexed than most. But I just -- I often oppose annexations for this reason. I don't think in actuality they end up contributing. I think when you look at the level of taxes and level of services required and likelihood of having to build a fire station or just this incremental stretch, it just doesn't work in the end. The flip side, of course, is we would love to -- I guess on some level, I wish we

were allstate reps and could make a lot of decisions at once. But I think we have to draw the line, and in my mind the line is probably farther out than it should have been 20 begin with. So I don't support this annexation, but for me it's a policy matter that after we had this debate earlier this year, I don't feel like we ever circled back with staff to talk as a council, what our annexation policy should be, so I appreciate staff bringing this because rules are changing how you do annexations, but I really -- I really can't support the annexation because I think ultimately the math doesn't work out and we end up being in a worst position incrementally every time we do it.

>> Pool: I just wanted to circle back around to the statements made about the changes in state law. I don't know if legal is here, but my understanding to the changes?

[4:34:54 PM]

State law was, in these annexations, it's only the people who would be annexed, who, if there are more than 200 affected, who would have the vote. It's not a citywide election. Is that correct?

>> Right. If there's a population of 200 or more.

>> Pool: And in this case, it's only 34, 35 residents, so --

>> Yeah, it would be less than 200.

>> Pool: So it's a petition in this instance.

>> Correct.

>> Pool: I just wanted to clarify that.

>> It would commence with a resolution from council.

>> Pool: And is December -- is December 1st the date, or was it December 31st?

>> Yes, December 1st is the effective date.

>> Pool: Okay. Thanks.

>> Alter: I just want to make sure that I understood what councilmember pool just clarified. So in this case, because it's under that 200 mark resolution from council could initiate the process, and then what would happen?

>> Pool: So my understanding, it's not an actual election because it's fewer than 200 people, it would be a petition from the people who live there. And I think there's like 34, 35 of them.

>> Alter: So if they don't petition, we couldn't do it.

>> So it would start as a resolution and then -- yeah, there would have to be a petition circulated to get signatures of the residents.

>> They don't vote -- 50% of them have to support it by petition before we could proceed forward?

>> Uh-huh.

>> Alter: Okay. Thank you.

>> Mayor Adler: Did you want to divide the question and vote first on commercial fronting property and then the balance of the property? Or are we just going to --

>> Pool: It's up to the council.

>> Mayor Adler: I'm going to vote to annex both. Doesn't make any difference to me. Ann kitchen has indicated an intent to vote for commercial but not residential. I don't know whether everybody else stands. I don't know if it makes sense to vote on them separately, divide the question, or to vote on the whole thing or not.

[4:36:56 PM]

>> Houston: I would like a legal opinion --

>> Mayor Adler: Not yet. We don't have a motion.

>> Houston: Oh, we don't have a motion. Okay.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'll move approval of the staff recommendation to annex the tract in its entirety.

>> Mayor Adler: Motion is to approve the annexation recommendation. Is there a second to that? I'll second that. Is there a discussion?

>> Tovo: Mayor? I assume that's what's necessary, if people want to break it down, they can request that. I've made a motion for the whole thing.

>> Mayor Adler: That's correct. You made the motion for the whole thing. Councilmember troxclair?

>> Troxclair: I just have follow-up questions. I'm not understanding the resolution part of your explanation, so would a resolution have to pass the council in order to allow them to petition?

>> Yes. It would start -- that starts the process. They could petition that council -- or they -- you know, but there would be a petition with signatures of 50% of the population.

>> Alter: So going forward, if council wants to annex an area that's less than 200 people, we would pass a resolution, then they would have the ability -- great. Thank you. Thank you for clearing that up. Mr. Guernsey, I had another question for you. So can you tell me, I guess, the -- how long has the property been -- has this property been neck to fully annexed city of Austin property?

>> I believe we annexed the property that was to the east of this this past year, but the other sides were previously annexed. I don't know the specific date when they came into the city.

>> Troxclair: But a while?

>> Probably several years, but I'd have to go back and do a little research to try to figure that out.

>> Troxclair: I mean you were asking about or you made some comments about public safety issues, and I guess -- I mean have there been major issues with things happening in this neighborhood next to fully annexed city property that has led you to have those experience.

[4:39:12 PM]

Those concerns?

>> Based on my knowledge, we've had instances where we had property that's been divided, part in the county, part in the city, and there have been issues where our police department has been called to the site but they couldn't do anything because a portion of the property where the incident was occurring was in the county, even though the front of the property may have been in the city. We've had instances, I know, where there have been discharge of firearms or fireworks, more specifically, fireworks, where there were complaints, but there are these out-parcels that are basically surrounded by the city, where it's lawful to discharge a firearm or use fireworks in the county. I'm also aware that we've had --

>> Troxclair: Fireworks, not firearms. It's not legal, even if you're not in the city, it's not legal to discharge a firearm if you own less than ten acres.

>> I'm also aware of instances where we've had folks that have actually -- there's an area that's off of 35 north where we had citizens who had low fire flow and their septic systems were failing that had been opposed to city of Austin annexation for years and years and years, but then when the septic systems started to fail and their fire flows were substandard because the lines were put in to a previous county standard, they had asked to be put in the city, and there were concerns about fire protection in the area because if there were fire to occur in that subdivision, it could go into the city of Austin, and the city as a joint responder would certainly go out, but the citizens that live in that area had a first responder of an esd, also had Travis county response, but they had to travel through the city of Austin to get to their

subdivision to have the county respond to an emergency call by police. So I'm aware of those types of things just generally through time.

>> Troxclair: Okay. Yeah. I guess that sounds -- to me -- to me, that sounds -- I mean, there are always going to be parts of the city of Austin that are adjacent to parts of not the city of Austin.

[4:41:23 PM]

Right? I mean, regardless of where our boundaries are.

>> That's true.

>> Troxclair: And I know that our public safety services really -- work really hard to have effective mutual aid agreements so that it does not matter whether -- whether or not you're in the city or outside the city or in the etj or whatever, that if you call 9-1-1 and you need help, there's going to be someone that shows up at your door. So if those kinds of issues are occurring, it seems to me that that is more an issue with -- an issue that we need to address with our public safety services because that should absolutely not be the case.

>> Right. In this case, the city of Austin fire and police are already serving areas north, south, and east and west of the subdivision.

>> Troxclair: And I'll say that my constituents in lost creek actually just this weekend talked to me about the -- about a similar problem, except for they're in the city and, you know, have been annexed now for a while, and the city is still not recognizing them as being in the city. So when they call for something, they're not getting the services that they were promised. So I think -- I think that probably goes -- goes both ways. You know, I don't -- this is a middle class neighborhood. These people are begging -- I mean they're facing the same issues that the rest of the city is facing with property taxes and affordability, and I just really feel for them. And they don't have any -- I mean, they would have representation if they were annexed. Of course councilmember kitchen would represent them, but I think it's really hard as a neighborhood and as individuals to come and speak to the council feeling like -- feeling like you might not have that representation, which is why I -- I guess I feel even more passionately about trying to fight for them and trying to preserve their neighborhood and their kind of quality of life and property taxes as they expected them to be when they purchased the property, and it is especially painful when they are less than a month away from state legislation that would allow them to petition to not be in the city.

[4:43:38 PM]

And I just -- I feel like they deserve -- I just -- I feel like they deserve that ability. So I'm going to oppose the annexation if it does -- well, I guess -- I mean, I would also support a postponement if somebody wanted to postpone it for a month and allow them the ability to do the petition, but it seems pretty clear that they have no interest in being annexed into the city. And I guess I especially feel for them also because I have neighborhoods -- so many neighborhoods in my district that have been annexed and really are still feeling the effects of it, whether it's, you know, increased trash services or increased water bills or whatever it is, they feel like they were getting adequate services at a really good price before, and that the city isn't providing them the return on investment that they would have expected when they're now paying higher property taxes. So I feel like until the city is able to prove to residents that they're getting a good value for the money that they're paying to the city, then we should allow them the opportunity to have a say in the decision. And I think it's pretty clear that these people do not - do not want to be part of the city, so...that's it.

>> Mayor Adler: Are we ready to take a vote on annexation?

>> Garza: I have a question.

>> Mayor Adler: Councilmember Garza.

>> Garza: I'm very torn on -- I understand the broader benefits to annexation, but the concerns for the homeowners really resonated with some of our affordability issue, so I'm trying to understand the safety part of it. When somebody in this neighborhood calls 9-1-1 for police, a Travis county sheriff shows up right now? Is that right?

>> I don't know who -- I mean, based on the mutual aid agreement, I know they have that for fire. I'm not sure if that works also for police.

[4:45:41 PM]

>> Garza: Is there anyone on their staff that can answer that?

>> I think it is the sheriff that would actually show up.

>> Garza: And fire, it probably is AFD?

>> I guess it would probably be -- I think our station is closer than the Travis county station. They're actually pretty close, perhaps.

>> Garza: Okay. Okay. Thanks.

>> Mayor Adler: Ready to take a vote on annexation? Councilmember alter.

>> Alter: I would just like to confirm that if we did divide the question on commercial and residential, that that is something that we can legally do.

>> Yes. I'll confer with our law department on this issue and invite them to come back up.

>> Alter: I mean I know we can divide the question but can we annex --

>> Yes, that would be an option for council to consider because it is within that area that we noticed that we were going to annex.

>> Mayor Adler: Okay. Any other discussion on annexation? Councilmember alter?

>> Alter: I'd like to divide the question.

>> Mayor Adler: Any objection to dividing the question? Hearing none, we'll take two votes. First, those in favor of annexing the property along -- yes?

>> Flannigan: Mr. Guernsey, can you help me understand specifically which properties we're calling commercial?

>> Yes. So along the left side of the image that you have on your screen between easy street and Menchaca road, there are several -- basically all the problems that fronts there along Menchaca road is the area we're talking about. Some of the commercial properties go back to easy, so it would be basically those properties that are commercial fronting on Menchaca road between -- well, along Menchaca road, going up to easy that front on Menchaca road, and some of them that extend back to easy.

[4:47:46 PM]

There are actually some commercial buildings that actually straddle that line. There are a couple residences that actual front on easy street, and those would be removed from the annexation. So the commercial properties basically -- those properties along Menchaca road that are commercial, and it would take in the lot behind that might have frontage on easy that are commercial and associated with that business on the front.

>> Flannigan: And that determination of commercial is based on use or zone?

>> It's based on zoning because there's no --

>> Flannigan: That's right --

>> Because there's no zoning today on the property.

>> Flannigan: So it would be based on use.

>> Mayor Adler: And it would be as of today?

>> It would be as of today.

>> Flannigan: Yeah. Boy, then I'm really torn on that one. I think I -- I think I'm sticking with no, only because I feel that -- I feel hesitant to do annexation in this way so late at the end. I am more in favor of annexing commercial properties. There's a lot more involved in the math, when you talk about the fiscal impact to the city, when you're talking about commercial properties, and I'm more comfortable doing that, but I think I'm still going to stick with no on this one.

>> Mayor Adler: Further discussion? Ms. Houston.

>> Houston: And I'm having a hard time because some of those -- I can't see them, but some of those are small businesses, and what will we be doing in we annex their property?

>> It would be subject to municipal zoning laws, building codes, property taxes --

>> Houston: But the property tax would go up.

>> Sales tax they generate would come also to the city of Austin.

>> Houston: But I'm thinking about impact on them, on the small businesses. They might have --

>> They would have city of Austin property tax apply to them as well.

>> Houston: Okay.

>> Mayor Adler: Okay. Ready to take a vote? We'll divide the question. The commercial properties -- annex the commercial properties fronting on Menchaca road as of today. Those in favor of that annexation, please raise your hand. Those opposed?

[4:49:47 PM]

Troxclair no, Flannigan no, Houston no. Councilmember Casar is off the dais, the others voting aye. That passes, 7-3, one absent. Annexation then of the balance of the properties. Those in favor, please raise your hand. Mayor pro tem, Garza, me, Renteria. Those opposed? It is the balance of the dais with Mr. Casar off. That annexation is not approved. Thank you. Did we just lose Mr. Newton? I was going to let him brief us here. Okay. Let's -- it is 4:50. Looks like we have about a half an hour left. Let's see what we can take care of.

>> Mayor?

>> Mayor Adler: Yes.

>> Could we maybe say louder that we're looking for Mr. Newton so if he's out in the atrium, he could hear and come back in?

>> Mayor Adler: He could be getting on the telephone, so --

>> Great. Thanks.

>> Mayor Adler: Yes, it looks like -- yes. Mr. Renteria?

>> Renteria: I just had a quick question on the -- on 54.

>> Mayor Adler: On 54? Renteria I think we could just get that done right away. Is there a question? Mr. Renteria has a question on 54.

>> Renteria: The question is, I'm very concerned about this project that we're doing, the Rebekah Baines Johnson project. You know, they got caught here at the very end when they were in the process of developing to increase our senior affordable housing there, and because the city found out later on that the road is actually a parkland, so now we're having to go through a hearing and a long -- I hope it's not a long process.

[4:52:08 PM]

My understanding is that if we're not able to complete this by the end of this year, that we're going to be driving up the cost on this housing, on senior housing, and I'm very concerned, you know. I'm going to be working on a resolution trying to determine other situations that -- you know, that we're in where the parkland itself -- the way it was donated by the state and the federal government when they got out of the fish hatchery business, it was given to the city, and -- but -- and a non-profit that built those affordable units there. So it was sort of like an area where, you know, the non-profit had ownership of the land, where they built these apartments, and the city dedicated the rest to parkland. But there was a street built there that has access, and is still being used as of now. And now for them to be at the last minute to come back and find out that they cannot, you know, go through with their program without having to build a brand new street adjacent to the dedicated parkland while everybody have used that road for the last 49 years -- next year will be 50 years that it has been used as a public road that people have access to Rebekah Baines on and off. It's really alarming, concerning to me, that these kind of urgent projects, that it's going to contribute to helping our seniors stay in Austin with affordable units gets stuck into the kind of situations that we're on. I had, you know, previously passed two resolutions just to get this project going, and now we're facing this critical time where they're not able to, you know, complete this project because of what happened with that street and where they're having to require to redo the street, and I hope it's not -- they don't have to go through that whole process.

[4:54:24 PM]

But I just want to know if this is going to be able to be completed with a public hearing. I know it's just a public hearing, so they can continue this project before the end of the -- you know, get reassurance that it's going to get done by the end of this year.

>> Mayor Adler: Is that something that staff can respond to now or respond to prior to the public hearing if you can't now?

>> Kimberly Mcneeley, acting -- acting director for the parks & recreation department. The situation that, councilmember Renteria, you've described, I am not aware of. What I am aware of is that the parks & recreation department, along with the transportation department, have worked cooperatively to talk about the fact that Nash Hernandez, that particular street, has always been used as a right-of-way and that we are willing to, as a parks & recreation department, even though that was normally -- or was originally dedicated as parkland, to say that it has never been used for that purpose. It's always been used as a through way, as a road. And so, therefore, we're willing to say yes, it makes sense for us to vacate that as a piece of property that continues to be a road, and in return, as I understand it, the developers have absolutely agreed to say there's a road that kind of cuts through the middle of the property that they would be willing to kind of grass over and allow that to become parkland. And so it's an opportunity for us to have a win-win situation. I don't believe that there's anything about the decisions that we have made that will delay the project in any way, but I will talk with my colleagues in transportation and with real estate to make sure that I'm giving you accurate information, but what you've described I don't believe is something that we think is going to happen. It's my understanding that in the last conversations that we've had with the developer, that he is feeling as though this is being -- moving along at the appropriate pace to allow for there not to be any additional costs or any kind of negative impacts to that -- to that opportunity.

[4:56:35 PM]

>> Renteria: And I really hope so, because, you know, this has been going on too long. You know, we're in desperate need for more senior housing, especially affordable units where they serve the 30% range, mfi range, so I'm -- you know, I really want to see this happen and done, and if you can make that possible and work with them and make sure that they are going to be able to do this by the end of the year, I'll just step back and be quiet.

>> Yes, sir. I will confirm in writing everything that I've said today so that there's an assurance that it'll be expedited.

>> Renteria: Thank you.

>> Mayor Adler: Thank you. Let's go ahead and call the briefing on the city manager.

>> Tovo: Mayor, I think we still need to set the public hearing.

>> Mayor Adler: Thank you. Is there a motion to approve this item number 54, setting the public hearing, I think, for December 7th at 4:00 P.M.?

>> Renteria: I move.

>> Mayor Adler: Mr. Renteria makes that motion, pool seconds it.

>> Tovo: I think we may have consent for 4 o'clock items, one of which was a postponement. Don't we have a public hearing? 96, I think, the last one, fire code that was going to be postponed but it needed to be postponed at 4:00?

>> Mayor Adler: It was withdrawn, it's going to return on 12/7. 96 is withdrawn, going to return on 12/7.

>> Good evening, mayor, good evening members of the council. I'm pleased to be back here today in Austin to report on the status of our search for your next city manager. I'd like to brief you on where we are in the process. You have in front of you a chart with which you may not be familiar because it is a similar chart to what you've seen in the past.

[4:58:39 PM]

I would like to draw your attention to number 5, and what you see below that in bright yellow. Obviously, as you all know, we went through a large number of interviews on the last two weeks. We are now at phase -- what we would call the second round and third round, so we're capturing here on the chart. I am suggesting I'm suggesting the second round of interviews, which will be upcoming in the next couple of weeks will be with city council and as you approved earlier with members of your task force

>> Speaker5: . There will be a third round of interviews with city council and members of your community. We have not collectively defined what the word "Community" means but it will be members of the staff, public, and so forth for you to decide at a later date. My belief is that we've had very productive meetings with candidates or individuals who are interested in the position. I've collected your feedback. I've listened to all your comments, your concerns. I've also done my own due diligence around these individuals, and based on that, my recommendation is that you bring back somewhere between two and five individuals for the second round. I'm also recommending to you that this -- names of these five individuals or up to you five individuals will be made public at some point between now and that date, but in order to do so appropriately, we need to clear with each one of those individuals that, a, they are interested going forward in this process and that they're will to have their names

revealed to the public at this point in time. I would expect to have full information at that point between now and the end of tomorrow, such that you're able to make a public pronouncement later next week.

[5:00:43 PM]

So those five individuals or up to five -- I keep saying five but it's really up to five would come back for the second round sometime between now and early December. And we're suggesting that those meetings will take place here between those two individuals and then a later date will be set for that third round. So let me just stop at that point and ask -- answer any questions that you may have either to the process or what I've told you so far.

>> Mayor Adler: My understanding is the recommendation that you're making, unless the council indicates to you otherwise, is that we would get to the final two or three candidates, they would be introduced and there would be some process involving the public, city staff and other members of the community, that to get down to that final list of two or three, there would be some interviews that would be conducted with councilmembers in groups with members of the community task force and that there would be somewhere between two and five candidates that would be coming to that, those groups, and that you would anticipate having these numbers to us, you said, sometime tomorrow, so that they could be -- those names could be released publicly prior to the smaller group meetings tomorrow, Monday at the latest.

>> Yeah. That is absolutely correct.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: Can we talk process on how those names would be released? Is that -- what will that look like?

>> Mayor Adler: I think --

>> Pool: I was hoping we might get the names named tonight. But it sounds like we can't. So what will that look like? What format?

>> Mayor Adler: I think he'll give it to us, we'll post that on the bulletin board.

[5:02:43 PM]

There could a press release, we'll let staff take a look at that and at the very least we'll post them on the bulletin board but I think there will be a public announcement. Press staff will issue a press release. Tomorrow or Monday. Tomorrow if it's available, Monday at the latest. Tomorrow is a holiday, so

bulletin board if it's available tomorrow, press release going out Monday, because tomorrow is a holiday. Okay.

>> Pool: I'm sorry. Can you say that again, please?

>> Mayor Adler: Tomorrow is a holiday. If the names are available tomorrow would you let me know? I'll put them on the bulletin board, and the press release that goes out Monday.

>> To be very specific, all of the individuals I've -- I've spoken with all of the individuals, they've all agreed to have their names put out in the public. A couple of them are still needing to inform their employers of this situation, and out of respect for them we want to make sure that they're able to cover that situation before we release their names. But all of the individuals with whom I've had conversations have agreed to move forward in the process.

>> Pool: Well, as soon as you get the okay from all of them, when they're ready to go, this -- as soon as you do and you transmit that information to the mayor, if it's sooner than tomorrow, I think that would even be better.

>> Unfortunately, it won't be just given some of the -- the -- the people they have to speak, with but they will be back to me by tomorrow so I'm very comfortable that they will meet our deadline of tomorrow.

>> Pool: Thank you.

>> Mayor Adler: Okay. Any further questions on this briefing? Thank you. Thank you for coming to town.

>> Thank you, mayor.

>> Mayor Adler: All right. Let's see what we can take care of here. We have 25 minutes before we break for music.

[5:04:46 PM]

What about the ahfc agenda? Can we knock that through? Can we get through that? Can we get through this?

>> I'm sorry.

>> Mayor Adler: Think we'll be able to get through this here?

>> Mayor Adler: All right. I'm going to recess the city council meeting, 5:04 and I'm going to convene the Austin housing finance corporation meeting. Today is Thursday, November 9, 2017, 5:05 P.M., in the city

council chambers here, we're the board of directors and all present you want to take us through this agenda.

>> David potter with Austin housing and finance corporation. I'm here on behalf of Rosie truelove, the treasurer and today we have two items that we'd like to offer on consent. One is approval of minutes that the city clerk's office realized that we had not approved previously. The other one is to conduct a public hearing regarding thisence of up to \$10 million of private activity bonds by the Austin housing finance corporation for the elysium grand apartments located at 3300 oak creek drive in district 7. So we offer those on consent.

>> Mayor Adler: Is there a motion to approve the two consent items? Ms. Pool makes that. Ms. Houston seconds that. Any discussion? Those in favor please raise your hand. Those opposed. Abstaining? Ms. Troxclair abstains, others voting aye. Mr. Renteria off the dais. Those items are approved.

>> Thank you.

>> Mayor Adler: Thank you very much. Here at 5:06 we're adjourning -- I'm sorry, I didn't see it, Mr. Renteria was here. And they all voted aye.

[5:06:48 PM]

Except for Ms. Troxclair, who abstained. That's all the items on our agenda at 5:06 that meeting is adjourned. I now at 5:06 call us back into the city council meeting. What about item number 30? Do we want to take that one up? Pulled by you, mayor pro tem?

>> Tovo: It was. We have four speakers on it though so maybe we could go right to the speakers. I think maybe one can't stay through the different break, so if we could hear from them.

>> Mayor Adler: Is Lauren Ross here, please? Is David king here? Bobby gives you his. You have six minutes. You have David king's three minutes -- I'm sorry, two minutes, tomato of five minutes.

>> Mayor Adler, councilmembers, Lauren Ross Ross. I'm a civil engineer and practice in the field of water resources. I'm here to ask you to postpone approval of the \$2 million to move the utilities that would allow construction of the mopac intersections project. The txdot construction plans, operation plans and water pollution abatement plan do not provide adequate protection from pollution and degradation for Barton springs, Edwards aquifer or endangered salamanders. Further the city's watershed protection department have also not yet provided their comments and concerns to you on this project. Please don't vote to approve these funds until you have complete information on the likely impacts of construction. The mopac intersections project is proposed to be constructed on and within Austin's most sensitive land, land that provides recharge to Williamson creek and its tributaries, land that

provides flow through the subterranean cavern and similar known and unknown caves, land that provides water to Barton springs.

[5:09:07 PM]

This project requires of subsurface material. Txdot has no adequate plans to protect the

[indiscernible] That they will encounter in the excavation bottoms where pollution will collect. Txdot concluded that the mopac intersections project is not likely to adversely affect the Barton springs and Austin blind salamanders based on unfounded research. The research they relied upon did not consider arsenic, cadmium, lead, Mercury, pesticides, asbestos, poly cyclic aromatic hydrocarbons or even the most obvious measures for gasoline and motor oil. All of these pollutants are present in highway construction runoff. The jumped lying research lumped measurements from Barton springs from both storm and non-storm conditions and that creates a noisy data set from which no reliable inclusions can be drawn. In contrast your city staff has segregated that data for decades. For the construction of water treatment plant four, Austin carefully developed specific protocols for every subsurface penetration. Txdot is proposing to construct bridge foundation piers that are even more likely to intersect subsurface voids but without any of those protocols that the city implemented and this is true even though Barton springs, Edwards aquifer system is orders of magnitude more sensitive to pollution migration than the northern Edwards. Txdot proposes to rely on engineered water quality controls and construction phase erosion sediment controls to protect our precious water, creeks, and springs. But I have observed and documented that txdot does not carefully maintain these controls. In fact plenty of pollution has slipped past them. Once that pollution enters the Barton springs Edwards aquifer it's virtually impossible to remediate.

[5:11:11 PM]

How am I doing on time?

>> Mayor Adler: You have one minute, 45.

>> Thank you. I'll slow down. Txdot's plans and submissions to the reviewing agencies have had significant errors. An important indicator of potential pollution is the proposed amount of impervious cover. Txdot consistently submitted information to tceq, Texas commission on environmental quality, for their review that indicated that new impervious cover for the mopac intersections project would be no more than 8 acres. That estimate is actually only one half of the 15.87 acres of additional impervious cover that will be required to build the proposed intersections. Clearly, this mopac intersections project

is still only half baked in terms of its potential impact to Austin's treasured creeks, caves, and springs. Please vote to postpone approval of the funding to move the utilities until you have complete information. Thanks.

>> Mayor Adler: Thank you.

[Applause]

>> Tovo: Ms. Ross?

>> Mayor Adler: Mayor pro tem.

>> Tovo: Ms. Ross -- Dr. Ross, I apologize, do you have an estimate of when some of that information might be available? I'll ask that question, too, of our staff.

>> What I know is that your staff is ready and willing to do this analysis. I don't think it will take them a long time to do it, and I don't know when txdot plans to clean up the information that still has not been provided that's critically important, because we can do all the reviews of what they've provided but until txdot defines, for example, how they're planning to protect and treat runoff into that subterranean excavation we have nothing to review.

>> Tovo: Thank you, Dr. Ross.

[5:13:11 PM]

>> Mayor Adler: Okay. Gill bunch.

>> Thank you, mayor Adler, members of council, I'm bill bunch, executive director with save our springs alliance. Here also urging this be postponed until your staff, both your watershed protection department staff and also Dr. Nico Howard, who is the preeminent expert on the hydrology of the Barton springs Edwards who works at the water utility now in the bcp program, until they get a chance to review the most current information from txdot, where -- so we can confirm that whether or not they have taken the steps they need to take to protect the aquifer from this project. Because when Dr. Ross did the very detailed analysis of what was submitted to tceq, what was submitted to txdot as part of the Eis process, what we found was there was nothing there to show that -- how they were going to catch the rain falling on the depressed part of the project, which is a huge stretch of this project, that's 2.1 miles long. Pump it out and treat it so that you're not essentially building a giant injection pond directly into the aquifer for polluted highway runoff. You've got to demand that you see this. And then if it's not there, and it's not sufficient, based on staff and I hopefully will be able to review it too, then you simply shouldn't give them the money.

[5:15:15 PM]

This should not go forward. You should not be an accomplice to a violation of endangered species act. Dr. Howard's dike tracing shows that flow from this project goes straight towards blowing sink and then from there it goes straight to Barton springs. There's salamanders found at blowing sink, and that's just a little over half a mile down dip from this project. You have one chance to get this right and make sure that txdot takes some important mitigation steps that they had done way more on on 45. This project still is in litigation. It's been delayed over and over, not by that litigation, but by txdot and ctrma's own foot dragging. So the city taking additional time here to look at this and try to make sure that we're not creating a hazard for the springs forever literally is not too much to ask. We spoke -- Kelly Davis from my office spoke to tceq's reviewing officer and he said, well, they're supposed to have the plan showing how they're going to capture that rainfall on the congressed section.

[Buzzer sounding]

>> -- And de-water it and treat it. If it's not there it doesn't comply with the rules. We haven't seen it. Staff hasn't seen it. Let's look at it and protect the aquifer right here before it's too late.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Bobby lavinski. I show this is our last speaker.

>> Thank you, Bobby lavinski with save our springs alliance. I'm going to point out fiscal prudence concerns council should have. The original agreement passed last year was scoped at \$1.5 million for the 20% contingency for a total estimate of \$1.8 million.

[5:17:19 PM]

In just over one year's time that has increased 30% to a total contract of \$2.4 million and construction has not even begun on this project. The city under the state law is going to be 100% liable for the cost associated with this relocation of the lines, and that's also under the terms of the agreement too. That's a little bit of a scary scenario considering just last year AT&T was out drilling in this area and they lost a part of their equipment into a cav they didn't foresee and ended up abandoning the project because it cost too much and the time line was going to be too long too. I think this is an item that requires a lot of scrutiny from the city before we proceed. This is one of the last opportunities that the council is going to be able to have some sway in how this goes. And we have some really great watershed protection staff that I think could give good recommendations and review for the txdot plans, assuming that those are made available. Thank you.

[Applause]

>> Mayor Adler: Okay. I think those are all the speakers we have. Staff here to talk about this item?

>> Mayor, custom, Mike, acting director watershed protection department. Just by way of preface, I guess, we became aware of this project probably four plus years ago. It was first rolling out as a component of the environmental studies for the -- what's referred to as the mopac south project. High capacity dedicated toll lanes that is still in the environmental planning phase. When we first heard of this, two options were being considered.

[5:19:23 PM]

One was overpasses, the other is underpasses. When we understood that the preferred option was likely to be underpasses, we engaged with txdot Austin district. We had concerns -- many of the same concerns you heard already with respect to potential impacts on ground water flows in and around sensitive [indiscernible] Feature and we quite frankly had concerns about whether this would in any way impact the hydrocarbon pipelines that cross the right-of-way, I think just to the south, if I'm remembering right, just to the south of slaughter lane. As a result of those conversations, txdot Austin district did go back to the drawing board a little bit. They showed us additional plan sets that suggested the pipelines weren't going to be an issue. In a -- and they initiated additional studies with Zar environmental, a firm we're very familiar with, work with quite often. The results of that additional over and above analysis they performed at the time indicated very unlikely to adversely impact kind of shallow ground water and ground water flow patterns to particularly protected caves, blowing sink cav. What I can say with respect to that is when we use words like very unlikely, highly likely or very likely when speaking of ground water when it is uncertain to a significant degree. In response at one point we expressed exhaustive dike tracing studies would be appropriate but that was up to txdot to determine whether they would go down that path. We essentially felt that the analysis they performed did provide a pretty high degree of assurance with respect to the geology. Beyond that we collaborated extensively both with ctrma and txdot on the state highway 45 project which is under construction.

[5:21:28 PM]

I am happy to say by virtue of our inspections and more importantly the regular inspections of the Barton springs Edwards aquifer conservation district, we are seeing them adhere to the commitments they've made for environmental superiority, and the importance of that is that we did submit comments on the draft environmental assessment for the intersections project, expressing a lot of these concerns. The response in part was that they were going to adopt many of the same best management practices

that are being employed in state highway 45. Now, we have not as yet laid eyes on the design itself. We did review the water pollution abatement plan and determined that we did not have comments, that we didn't submit any. And in part we're piggybacking some of our effort, if you will, with the Barton springs district, which did review the designs and the wpap, and their correspondence back to txdot and their lens that they looked at this through was a consent decree that that district entered into what was then the highway department in 1990. And their evaluation of key management items indicated that in their opinion, on four of five key management areas, the water pollution abatement plan exceeded the requirements of the consent agreement. And so that's kind of some background and history of where we're at. We did deep dive on the state highway 45 design plans themselves. But have not with respect to this project. I understand as well that there's some time constraints that txdot is working under on this.

>> Yes, thank you, Mike, rich Mendoza, public works director. So under the Ila and under that Ila the city has already provided a check to txdot for one and a half million dollars for these utility adjustments.

[5:23:33 PM]

Of course the bids came in higher than the original engineer estimate. That's why we're moving forward with this amendment. Under that Ila we are required once the bids are received to fund 100% of those contracted by amounts for the utility adjustments within 45 days. These bids were received in September of 2017, which places us right up against that 45-day deadline.

>> Houston: Mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: I noticed that in the backup it says that this was going to be reviewed by the water wastewater commission on November 8. That was last night.

>> Yes, ma'am. I believe and they reviewed it and they did issue their approval.

>> Greg, Austin water. Yes, it was reviewed. The mayor read it into the record as late backup, approved on a vote of, I believe, ten in favor, one against.

>> Houston: Mayor, historically we -- when we get something that's this important the night before -- I'm not sure why it took so long to get it to water wastewater and then to get it to us and we have to make a decision tonight because of the 45 days.

>> Typically, this would go to our commission a month before. Txdot asked that given the time constraint and that they bid the project and they were up to the 45 days that we accelerate this, this process, and so we took it to the commission yesterday and onto the council tonight.

>> Mayor Adler: Is there any prejudice in bringing this back to council on December 7?

>> We spoke to txdot, and they indicated that -- that a delay of that nature would be manageable.

>> Mayor Adler: Would be manageable?

>> Yes.

>> Mayor Adler: And do you think between now and December 7 you can address some of the concerns that have been raised?

[5:25:37 PM]

>> I think the concerns are between txdot's submittal on the larger projects for the whole construction, not just these waterlines, but, I mean, Mike, I don't know exactly --

>> It would be difficult, I think to, do a really thorough review but we can engage with them, obtain access to the design documents, and try to sit down with them and work through many of the same I guess questions, management practices that are embedded in the environmental compliance plan for state highway 45, which, again, we feel is a pretty solid demonstration of environmental protection.

>> Mayor Adler: If we were to extend this to December 7, this which they said was manageable, I hope you can convey to txdot there are questions that have been raised and we really need them to respond to them.

>> We will make this a priority.

>> Troxclair: Mayor, this is my district so I would love the opportunity to ask some questions.

>> Mayor Adler: Sure.

>> Troxclair: Just back to councilmember Houston's point about this coming to council so quickly, I just want to make sure that we're all aware of the history of this project. This project was approved by council in 2016, so over a year ago, the council approved this project. The only reason that it's before us tonight is because the -- once we received the actual bid, it is more than what the engineer study suggested that it would be. So we have already approved this project up to, like, \$1.5 million. Once we put the bid out on the street and received a bid back, it's just a little bit -- it's more than what we had anticipated. So it's not -- this isn't the first approval of the project, and it wouldn't be before us, except for that increase in cost in the year. And I am concerned that as we see all the time that any postponement is only going to add to the cost.

[5:27:38 PM]

This is only going to get more and more expensive. I have no idea -- again, this was just kind of -- I guess the concerns with this were just brought to my attention this morning, even though this is a critical project for my district. And I want the council to understand that this is -- once sh-45 is complete -- so this is basically the south mopac project between la crosse and slaughter. Once sh-45 is complete, whether or not you supported that project or agreed with it, this is the part -- this is the road that that traffic will all be feeding into. Right now there are stoplights at every intersection there. It is going to be a complete mess if sh-45 is completed before this project is completed. The underpasses that will allow people to get from slaughter lane up to Davis and on to mopac throughout this process I have, you know, been talking to txdot and ctrma, constituents, everybody involved, saying -- because we know the borrow two projects are on a tight time line, we know when they're expected, of course thereby be postponement and delays here and there but consistently the most important thing to everybody across the board I have talked to in my district is that this project is completed before sh-45 is opened. Otherwise it is -- I mean, otherwise we're just feeding people into a part of town -- we're feeding people into intersections with stoplights that are already very difficult to get through. So I am really concerned about this postponement. I don't know, you know, without having time to talk to txdot today -- I don't know what impact it will possibly be. I feel like this item is just the movement of the relocation of the waterlines. This is not any kind of final approval of the road.

[5:29:39 PM]

Of course txdot will -- has their own environmental and tceq have their own environmental standards and environmental tests they'll have to meet in order to move forward with it. Our responsibility is to relocate the waterlines. So I just -- I guess I don't feel like this is an appropriate venue to have the conversation about the environmental concerns. This has been in process for over a year now, and I just think that this is stalling unnecessarily and is going to be a huge concern for anybody who is travel on those roads.

>> Pool: Mayor?

>> Mayor Adler: Yes, councilmember pool.

>> Pool: So this item -- I sit on the co-chair of the balcones land coordinating committee and this came before in front of us at our last meeting and I asked questions about blowing sink, trenching and ground water issues and silt accumulation and cleaning out the cases and what was going on here. I will say that the txdot engineer who was there gave vague answers that were insufficient in answering my questions. It was frustrating, not to get straight answers from the project engineer or who -- or the engineer that txdot sent in order to answer the questions. I have additional questions on this item. I will be supporting

a postponement. I don't know if December 7 gives staff enough time to do this work. Maybe the 14th is better or maybe the first meeting in 2018, which is the first of February. But this is a contract amendment which is not subject to the 45 day payment. It's not a cost overrun issue so I'm not feeling any pressure at all, and I certainly wouldn't feel any from txdot because I feel like they're not acting in good faith on this, on this topic, on this issue. So my specific questions are, get us the specific cause, what is the specific cause of the 30% cost increase to the contract price after only one year in time and before the construction even began.

[5:31:45 PM]

And then I'd like to have watershed protection department staff review txdot's latest engineering drawings to determine how the relocation of the pipelines and overall intersections project will impact blowing sink cave and I want to know how txdot plans to catch and treat the runoff in the six through lanes being added below grade, and I think that stakeholders should also be given an opportunity to review these designs. And so if we can get clear answers and specific detailed answers to our questions, which I, again, did not get at my first opportunity at the coordinating committee for the balcones canyon land preserve and this like to get them before I make a vote on this. So when we get around to making motions, I will -- whoever makes the motion, if it's not me, I will support a postponement to a date in December. I don't know if the seventh -- I said this before, if the seventh is too soon, be it the 14th or first of February, which is our first meeting in 2018.

>> Mayor Adler: Further discussion on this? Mayor pro tem.

>> Tovo: I'll make that motion or I'll say something and turn it back to councilmember pool if she wants to.

>> Mayor Adler: Do you want to make a motion?

>> Tovo: Sure. I move that we postpone this until I think December 14 to give our staff a fighting chance of getting some of that information. I concur with the need for the information that councilmember pool laid out, so December 14 is --

>> Pool: And I will second that.

>> Mayor Adler: It's been moved and seconded. I asked you earlier txdot's reaction to December 7 page is December 14 also manageable?

>> I don't know specifically. I don't think a week would matter between those two. We would, you know, inform them and coordinate and work with them to the best that we can.

>> Mayor Adler: Okay. You're saying we should be okay with December 14?

>> Yeah, the seventh or 14th, mayor, we'll be able to work with txdot on that time frame.

[5:33:49 PM]

>> Mayor Adler: Okay. Thank you. It's been moved and seconded to postpone this until December 14. Is there further discussion? Those in favor -- councilmember troxclair. That this was going to be an issue today I would have had this whole room filled with constituents to talk to y'all about how important this is. And I ask my colleagues in the future that if you -- I mean, this item has been posted for two weeks. Nobody pulled it for work session. Nobody let me know that they were going to be making a motion to postpone this, and txdot is not here because of the short notice to be able to speak to what impact this might have. It's clear from the backup that it -- it's not -- it's not a cost overrun. It's because -- the reason that this price is higher than it was before is because this was approved in 2016. That was just an engineer's estimate. That wasn't an actual bid. So this isn't -- you guys know I'm the first one when there's a contractor who agreed -- went under contract with the city and then came back multiple times for cost overruns I'm the first to oppose that. That's not what this is. This was just an engineer's estimate last year, and now once we have an actual bid the work is higher, in part is to postpone it further? I just - had I known this would be an issue, this room would be full of southwest Austin citizens who would tell you how important this project is to my district, and I think it's really disrespectful to the not raised this before now and not given them the opportunity to do that.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm going to support the postponement. I think -- I do understand the impact to folks in -- across the south, not just in southwest, in terms of the timing of these two projects, but I also think it's absolutely critical that we have the appropriate information, and I think the time frame that we're talking about is appropriate and is not so long as -- I mean, I think it works, and I think there's a sincere request on behalf of our community to have that data and be able to review that data.

[5:36:18 PM]

We have to make sure that what we're doing is appropriate in terms of impact.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I'm going to be supporting the postponement. It's not because I don't support the project. It's just I would like that data and to have that information to make sure that -- you know, I do believe

that, you know, the project is going to go on, it's going to get developed and built, but I think that -- I'd feel more comfortable if I get that information.

>> Mayor Adler: Ms. Houston.

>> Houston: I'm going to support the postponement because I need time to at least talk to my commission on water wastewater about all the issues that I didn't know about because the -- didn't ever come up until the speaker signed up. So I heard you read it into the record, but I don't know anything about what the decision and the conversations were. So that gives me some time to talk T my commissioner.

>> Mayor Adler: Let's take a vote. Those in favor of the motion please raise your hand. Those opposed. Troxclair and Flannigan voting no, others voting aye. That passes. It is 5:37. We have -- let's pick these things up when we come back because they have speakers. All right. So we're going to take a recess now, 5:37, do music and proclamations. We have a special proclamation here tonight for C.C. That will be accepted by her family. It is 5:37. This meeting will be in recess. There are lots proclamations. My guess is it will probably be close to 7:00 before we're back.

[5:38:23 PM]

Okay.

[5:50:09 PM]

>> Mic check, mic check. Mic check.

[🎵 Music 🎵]

>> Mic check.

[Music]

>> Mayor adler:we ready? Are sound people all ready? All right. We have arrived at the absolute best part of any city council meeting, which is where we bring a little live music into this place. We are the live music capitol of the world, and I don't think there is a city council anywhere that regularly and routinely stops city council meetings to play music. We try to impress it into walls, and if you have been with us since 10:00 this morning, you will also understand why it's important for us to get a little live music in here.

[5:52:15 PM]

This is the best part of the meeting, and we have with us tonight los coast. Los coast is the brain child of trey Privott and John Courtney, is completed by Megan Hartman on bass, Damien Llanes on the truckkit and nat Wright on the colloquies. Together their music is a punchy, psych tinged, lyrical variety of rock and soul. Please join me in welcoming los coast.

[Applause]

[🎵 Music 🎵]

[5:57:58 PM]

Ceci gratias

[applause]

>> Mayor Adler: That was great. Thank you. So if somebody who was watching us on the television or is in here wanted to find you, do you guys have a website?

>> Yeah. It's just loscoast.com.

>> Mayor Adler: Okay. Then if somebody wanted to be able to get some of your music, where would they -- how would they best do that?

>> On that website we have two songs that are available for free download.

>> Mayor Adler: Cool.

>> And then next year we should have an album come out [indiscernible] Nashville and it should be up for distribution nationally.

>> Mayor Adler: That will be cool. And then if someone wanted to come see you play, where your next local gig.

>> We're playing

[indiscernible] Ball on December 9 and also a free show at the first week of January for free week at mohawk.

>> Mayor Adler: Cool, great. Hey, I have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extend to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music, produced by legends or local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists, now okay, therefore, I, Steve Adler, mayor of the live music capitol, do here by proclaim November 9 of the year 2017 as los coast day in Austin, Texas.

[6:00:21 PM]

Congratulations.

[Applause]

>> Mayor adler:thank you.

[🎵 Music 🎵]

[6:04:26 PM]

>> Flannigan:I'm not even sure how to begin. I'm going to try to hold it together. My office, this community, myself personally, surd an unbelievable lost this past weekend. You'll see the ribbon I have on my name bathed, all of my staff are wearing the ribbon. Ceci gratias passed away on Saturday night. She worked in my office, but stood beside me for nearly 20 years. Nearly he ever accomplishment in my entire life -- nearly every accomplishment in my entire life has occurred with her by my side so today we're going to give a proclamation with ceci's family and in this proclamation you will understand the broad impact that she's had on this community in ways that many of you probably don't know because she liked and preferred to be behind the scenes. But not just the community, but even here at city hall. She led many amazing initiatives. I think the one she was most proud of was Austin being the first city in the south to receive a 100% score on the municipal equality index from hrc and she worked very hard to make that happen. So I'm going to read this proclamation. On this coming Sunday, which is the date that this proclamation uses, we will be holding a memorial and a celebration of her life.

[6:06:33 PM]

We'll start at 4:00 P.M., at the plaza, on city hall. Be it known that, whereas Cecelia served in mayor Gus Garcia's office in 2000 on the citizens advisory task force and most recently in the office of Jimmy Flannigan as constituent relations director, and whereas ceci volunteered many years of service to numerous Austin nonprofits, including out youth, all go, hrc Austin, life works, queer bomb, asian-american chamber of commerce, as well as work with the national lbgt chairman of commerce and whereas her specific and unique commitment to Austin's lbgtq issues diversified the scope of traditional activism to include and encourage intersectional collaborations with groups of all ages, races, orientations, beliefs, and economic backgrounds, and whereas ceci gratias was taken from us far too soon, having lived a rich and full life dedicated to kindness, social justice, peace, humility, public service, and the rights of individuals to live and love in truth, she paved the way for current and future generations to continue the important work of making this world a better place. Now, therefore, I, Jimmy Flannigan, city councilmember, here with Steve Adler, mayor of the city of Austin, do hereby proclaim November 12th, 2017, as ceci gratias day.

>> Thank you.

>> Mayor Adler: Do you want to say anything?

>> Flannigan: Do you want to say something.

[6:08:36 PM]

>> Thank you very much.

>> Mayor Adler: Let's take a picture.

[Applause] .

>> Pool:hi, I'm Leslie pool and I represent district 7 on the Austin city council and I'm going to read the next proclamation. And thanks to our staff, with our wild land conservation volunteers being here today to receive this. Are y'all ready? Here we go. Proclamation being it known that whereas the conservation efforts of the city of Austin's balcones canyonlands preserve and water quality protection lands are bolstered by the contributions of time, talent, and expertise of volunteers and whereas volunteers gave more than 2,000 hours, as many hours of work as a full-time employee, to be guided hikes, habitat restoration, plant studies, full moisture monitoring, seed collection, cave monitoring, educational groups, and other endeavors in the past year alone, and whereas the work of volunteers such as Marc Opperman, who has contributed a thousand hours caring for the central Texas environment through wildland conservation division and other organizations, exponentially increases the capacity of the wildland conservation division to care for Austin's environmental treasures and whereas the work of volunteers such as Gloria Wilson, who can be found connecting austinites to our wildlands by leading guided hikes, surveying golden cheeked warblers, conducting trail surveys and restoring habitat in the

balcones canyon land reserve exponentially increases the capacity of the wildland conservation division to care for Austin's environmental treasures, now, therefore, I, Leslie pool, councilmember, district 7, along with mayor Adler and the entire city council do hereby proclaim November 7, 2017, as wildland conservation volunteer appreciation day.

[6:11:59 PM]

We really do honor and thank all our volunteers in the city. Thank you so much, y'all.

[Applause] Anybody want to say anything? No? All right.

[Laughter]

>> Mayor adler:we have a proclamation that's going to be accepted by Francis jonan, president and CEO of the Austin humane society. Proclaims, be it known that whereas the Austin humane society has been transforming the lives of pets and the people who love them for the last 65 years, and whereas the Austin humane society is the longest standing no-kill shelter in Austin, each year providing life-saving services to more than 11,000 animals in need, and whereas the Austin humane society works tirelessly to find loving forever homes for thousands of animals every year, provide spay and neuter services which prevent millions of homeless kittens from coming into the world and inspires the community to be part of the solution, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November of 2017 as unleash hope month.

[6:14:39 PM]

Congratulations.

[Applause] Do you want to say something?

>> Thank you so much, mayor Adler, for celebrating the Austin humane society's 65th anniversary in this very special way. All of us at the Austin humane society are so humbled and so very honored by this proclamation. And I want to add it is thanks to our animal-loving, amazing, compassionate community that the Austin humane society is able to serve 11,000 animals each and every year and help keep Austin as the country's largest no-kill community. So from all the two-legged and 4-legged at the Austin humane society, we thank you so much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Let's take a picture.

[6:16:48 PM]

>> Mayor Adler: all right. So we have a proclamation here for the watershed protection that's going to be accepted by Mike Personette, who is the acting director. Proclamation, be it known that whereas the city of Austin watershed protection department has provided exceptional stormwater management programs to the citizens, including replacing and repairing storm drains, building and maintaining ponds, water quality monitoring, educating our children about the importance of water quality in the environment, pollution prevention and much more and whereas the watershed protection department involves the public and elected and appointed officials in education and outreach and community meetings, and whereas the watershed protection department has received the water environment federation's national award for having the best municipal separate storm sewer system, ms-4, phase one, large cities. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November 9 of the year 2017 as watershed protection ms-4 award day. My congratulations to you and the department.

[Applause]

>> Thank you, mayor. It's a mouthful, isn't it?

>> Ms-4 is a lot easier to say than the full title. I just have a few kind of off the top of my head comments to take, which is primarily that a recognition like this, you know, is a result really of decades of investment by the city of Austin and the passion and dedication and effort of really probably countless city employees and the public to make us leaders in watershed management, which is a -- watershed management, watershed protection, which is a kind letter and generator way of talking about our permit activity.

[6:18:55 PM]

Much of what we do started before the requirements came down. These stem from the federal clean water act, 1972, permitting program for large city stormwater programs began in the early 1990s, but we predated that with a lot of very cutting-edge regulation and programs that have made a real difference in our community in terms of how we've managed to preserve a lot of our natural assets, water being critical among those. It's not all about getting recognition and awards. We're here really to serve our rate payers -- ratepayers, citizens, community. But I would beg a little bit and say this is our

fourth national award this calendar year, so I think it's nice to get that and it's nice that others think we're doing something good. Thank you.

>> Mayor Adler: You guys are. Thanks.

[Applause]

>> Mayor Adler: Let's take a picture.

[6:21:12 PM]

>> Renteria:our next proclamation is going to be given to the family of Mr. Guerra. Let me have -- Jorge Guerra day, and it's going to be presented by the mayor. I had asked him to make that request for me, so, mayor?

>> Mayor Adler: Proclamation. Be it known that, whereas Jorge Guerra established and operated the iconic restaurant which served as a cornerstone for east Austin politics and civic engagement for over 50 years and whereas the guerras were known for their political activism and civic engagement, championing causes like infrastructure investments in east Austin, flood mitigation, and whereas Jorge's tireless advocacy, generous charity enriched our city, changed the face of east Austin, and inspired a generation of community leaders, now, therefore, I, Steve Adler, together with councilmember Pio Renteria do hereby proclaim November 9 of the year 2017 as Jorge Guerra day in Austin, Texas. Congratulations.

[Applause]

[6:24:02 PM]

>> Mayor adler:headlight. We have a proclamation. Be it known that whereas the pop Austin organization has played a significant role in expanding Austin's cultural scene by showcase diverse and internationally recognized artists and whereas pop Austin has provided the community opportunities to discover and gain an appreciation for painting and sculpture and photography, digital art and life-based arts represented and presented in a variety of formats, and whereas pop Austin offers art-focused educational events and thought-provoking programming with open access to all in our city, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November 9 of the year 2017 as pop Austin day. Steve, congratulations.

>> Thank you very much.

>> Mayor Adler: Do you want to say something.

>> Yeah, of course.

>> Mayor Adler: Please.

>> For those of who don't know, a few months ago mayor Adler the city also proclaimed November as Austin art month. There's some fantastic programming happening throughout this month between east, which starts tomorrow or technically tonight, and art bash, waller creek is doing a big creek show that's coming up as well. You can find out more about that at popaustin.com, on the website we have a whole calendar listing of events happening. I think that Austin's art scene is -- has become a visceral part of the overall vibe here, and we are extremely proud to accept this proclamation and thankful to mayor Adler and the city for recognizing all of the efforts of those who are helping to continue to mold and shape the cultural landscape here.

[6:26:04 PM]

Thank you so much.

[Applause]

>> Mayor Adler: Take a picture. .

[Applause]

>> Mayor Adler: so we have a proclamation that's going to be accepted by Katherine Alvarado, owner and president of Dagar's catering. Proclaiming, whereas Dagar's catering has provided outstanding catering services to the city of Austin and the surrounding area for 65 years, over a million guests from far and wide have enjoyed a wedding or event coordinated by the family-owned company. And whereas beginning with the humble goals of its founder, the late Freddy Dagar, and carried through two generations of previous owners, Albert and Donna Dagar, and current owners Katherine and Frank Alvarado, Dagar's catering has produced world class events with hospitality at the forefront making it a central Texas staple and whereas Dagar's catering has been recognized for its exceptional service by numerous renowned associations, corporations, public officials and universities over the course of their many decades of operation, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 16th of 2017 as Dagar's day.

[6:28:41 PM]

Congratulations.

[Applause] Katherine, do you want to say something? Come on up.

>> Thank you, everybody. First of all, there's no better city than Austin, Texas, and being able to serve over a million people over the past 65 years, not me personally, but all of the family, has been a great pleasure and we want to thank you, city of Austin, for giving us and recognizing our family as part of Austin's history. We greatly appreciate it. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Congratulations. Let's take a picture over here.

>> Mayor Adler: So our last proclamation is going to be accepted by judge statman, presiding judge of our municipal court.

Proclamation: Be it known that whereas, since more citizens come into contact with municipal courts than any other courts in the state of Texas, the public's impression of the entire judicial system is largely dependent on their experience in municipal courts.

[6:30:58 PM]

And whereas Austin's municipal court and the downtown Austin community court personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and whereas we are pleased to recognize the accomplishments of our Austin municipal court and downtown Austin community personnel, including seven judges, 14 substitute judges, and more than 157 court staff personnel, and to salute their critical role in preserving public safety, protecting the quality of life for area residents and deterring future criminal activity, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November 6th to the 10th of the year 2017 as municipal courts week. And we're very proud of ours. Judge.

>> Thank you, Mr. Mayor.

>> Mayor Adler: You want to say something?

>> Yes. I accept this on behalf of all the employees of the Austin municipal court. We have just about the worst city facility -- I have to bring that up every time I'm here -- sorry -- but, our facilities are filled with the best people. It is truly my honor and privilege to work with each and every one of them. Thank you for this recognition, Mr. Mayor.

>> Mayor Adler: Thank you. Let's take a picture over here.

[Applause]

[6:33:51 PM]

[Austin city council is in recess.]

[7:04:50 PM]

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[7:15:42 PM]

>> Mayor Adler: all right, council. I think we have a quorum here so we can gear this up. It's 7:15. We have one, two, three, four, five, six, seven, eight, nine, ten items stilling to this evening. Still to go this evening. Some have speakers. We have one set at 4:00. Do you want to begin with that one? That would have us beginning with items 94/95, which is the neighborhood issue.

>> Houston: Before we left on break you said 46 so I'm not sure.

>> Mayor Adler: Did I say 46 we were going to start with that?

>> Houston: Yes, you did.

>> Mayor Adler: That's fine with me. 46 is soccer.

>> Kitchen: Well, mayor pro tem is not here.

>> She's just walking up.

>> Kitchen: Is she walking up?

>> Mayor Adler: I'm going to take these big ones first. Let's do soccer, 46. We have some speakers to speak. Mayor pro tem, do you want to lay out a motion?

>> Tovo: Sure. So the motion that will be contemplating this evening is the resolution that is in backup. I'm going to make an amendment to change the report back date from the seventh to the 14th at the request of our city staff, an additional week would be helpful. Councilmember Flannigan had put

forward a resolution with some slightly adjusted language that we talked out on Tuesday, and I will incorporate that as part of my motion as well, and I think there are some other amendments that might be coming forward. But I'm prepared to make a motion after we hear from the speakers for the resolution and backup with the adjustment of the date and the adjustment of councilmember Flannigan's language.

>> Mayor Adler: That sounds good. So the base motions -- is there a second to the base motion? Mr. Renteria seconds the base motion.

>> Kitchen: I'd like to put forward my amendment so that people know -- so, mayor pro tem, I had hoped that my amendment was a friendly amendment.

[7:17:45 PM]

I had understood that it was acceptable. And that's my amendment that says -- and I posted on the message board, so I've talked to various stakeholders and I understand it's acceptable, so it says the city manager is directed to identify city-owned sites throughout Austin, and then it goes on to including underutilized parking that might be appropriate for a soccer stadium as well as sites where practice fields and ancillary uses could serve an mls team and the surrounding community. So my amendment expands the area throughout Austin and because I think it's appropriate that we look at all opportunities. And I think there may be other amendments, too, but I'd like to lay mine out.

>> Mayor Adler: Okay. Ms. Houston, do you want to lay out what yours is so that people can also know?

>> Houston: Yes.

>> Mayor Adler: When they talk?

>> Houston: Yes. And it's on a yellow sheet, and it's to the city manager's directed to identify city-owned sites in the full-purpose justification, including the Travis county expo center, as well as potentially -- that's the same language, and then it says as well as sites outside the urban core where a -- I added stadium practice fields and ancillary uses could serve the team. Then it says since we were naming one group, I added Austin sports and entertainment.

>> Mayor Adler: Okay. Ready to hear from the public? Yes, Ms. Kitchen.

>> Kitchen: I think there's overlap between my amendment and councilmember Houston's, and I think that the language that she's talking about would probably take care of my amendment too, so we can talk about that --

>> Mayor Adler: We wouldn't need yours, just Ms. Houston.

>> Casar: Probably. Let me look at the language salespeople.

>> Mayor Adler: You can look at it while we're having people from the public talk. Ready to go to public speakers? Barbara Szalay, and David king is on deck. You have three minutes.

>> Councilmembers, I've changed hats.

[7:19:47 PM]

It's nice to see you all again, and so soon. I am Barbara Szalay. Austin is the largest city in northern America to be without a major league sports team. In fact Austin is the 11th largest city in united States. Many cities in the U.S. That are smaller or even much smaller possess one and sometimes more major league teams. 7500 youths play soccer in Austin as well. But my connection to soccer goes beyond numbers. My cousin, Dave Sheridan, is the woman's soccer coach at college, and my father, let me tell you about him. I am a first-generation American. My father grew up playing soccer in beautiful hungry. He was a revolutionary, apple doesn't fall far from the tree, who believed the world would come to help when the Russian tanks rolled in in 1956. The world declined to help, so he was forced to leave his family and escape to Austria, and then the united States. He was still a teenager. He attended tops and the university of Chicago and worked at kodak in upstate North Carolina and edn in Dallas under Ross Perot, he played soccer spending every leash moment coaching kids, imparting a love of soccer to everyone he met, and taking my young self to Dallas tornado games. At the age of ten I lost my father to a car accident. He was 30 years old but the lessons he taught me through soccer helped me through this challenge and ensuing adversities. Please honor my father's legacy by taking this first step to explore bringing major league soccer to Austin. Thank you.

[Applause]

>> Mayor Adler: Next to speak is David king and after David king is Shaun functionally.

[7:21:52 PM]

>> Thank you, mayor pro tem, mayor pro tem, councilmembers. I agree with the previous speaker, this is a great opportunity to get the ball rolling and look for opportunities to bring major league soccer to our city. Fully I just wanted to suggest that if we're going to use parkland for this purpose that -- we're going to use a lease approach to this -- for potential site parkland -- if we're going to lease parkland for this purpose, that I think that the public would really consider that to be alienation and it would be an intent to skirt the attention of our charter for a vote to be taken. So I hope we don't go down that pathway at all, don't go anywhere near that pathway and just be straightforward with our citizens, our residents, and our taxpayers here, that if we're going to use parkland for this purpose, that we let the

citizens of Austin vote on that decision. That's my main message here. And if we don't do that, then I think there are going to be some problems, and I think those problems could manifest themselves during the next round of city council elections. I think it's important that the council understand this, that there will be a perception that you're trying to skirt the intention of the city charter by allowing this to be -- use parkland through a long-term lease agreement. And I think in terms of stakeholders, I think capital metro should be included as a stakeholder. They're transportation, you know, organization that's important to our city, our community, our region here. And I hope the process is transparent and compliant with open meetings. If we're going to have a stakeholder process it should be transparent and following the open meetings requirements. And I hope that you'll look at the parkland events task force recommendations. We did a lot of hard work. I was honored to serve on that and thank councilmember kitchen for appointing me to that task force, and we did a lot of work in looking at alternative sites for different purposes of parkland in the city that could be used for different type of events so there's a lot of work already been done there.

[7:24:07 PM]

I hope you will consider that. And, also, consider private sites, and the private entities being a partner in this effort here so that it's not the public and, again, I think this is important, and I'm glad we're getting the ball moving on this. Thank you very much.

>> Mayor Adler: Shaun functional fully and then John Russell will be Personette other desk.

>> Mr. Mayor, councilmembers, thank you for all you do in your wonderful city. My name is Shaun fully, a two time Texas graduate district 1 resident, local business owner, and career sports executive. I have had the opportunity through sport to go across the world, and after I got done swimming for the university of Texas I worked in the olympic sports space for a number of years. I game back for my mba at mchomes and there I had the opportunity to work for capital sports and entertainment, as well as c3 presents. I learned through those leaders in sports and entertainment here locally what great stuff can happen when the community comes together in entertainment and sports. For the past five years, up until the end of last year, I worked for the ownership gross of as Roma, an Italian soccer team, and learned a lot about the global game there. At the end of last year, I started Austin sports and entertainment with a partner of mine sitting behind me, and with an explicit focus on pursuing a sports and entertainment hub in district 1. We have been heads down on that initiative this year.

[7:26:09 PM]

We have spent our private money and we are focused on a private piece of land to create a sports and entertainment hub for the entire community to enjoy, and we certainly hope that if Columbus or any other configuration of major league soccer wants to come here that they would think know as a community resident and somebody who cares deeply about this community, that district 1 needs a lot of infrastructure, it needs a lot of transportation help, and it needs a lot of jobs, and I think that our plan in east Austin can accomplish a lot.

>> Mayor Adler: Thank you. Is John Russell here? Is alba Mendoza here? What about sonny?

>> She's here.

>> Mayor Adler: Alba. And then is sonny guatarama here? You'll be up next.

>> Good evening, councilmembers, I'm alba Mendoza, the program administer for lone star soccer club. We are one of the largest youth soccer clubs in the country with thousands of players and families from all over central Texas. Our club's mission is to be the best in the nation while developing good people and bind our brand of soccer to every part of central Texas. I came to lone star in 2016 and have watched the club go over the past year and a half. This is reflective of how soccer in general has grown in the United States and Austin specifically as being named the number 1 growing city in the U.S. I come from a soccer and I and had the love and passion for the sport instilled in me from an early age.

[7:28:13 PM]

I graduated from houston-tillotson university where I played the sport at the collegiate level. Soccer has played a huge role in the person I became today, it helps build character through leadership, sportsman ship. Soccer is a world's game. It doesn't matter who you are, color of your skin, male or female or individual skill or ability. Anyone can play soccer. Our organization has players from all different backgrounds playing at different levels. At all different levels. Soccer is more than a sport. It's something that you can unit a community. As we know in Austin has tens of thousands of youth players, not to mention the multitude of adult leagues on any given night anywhere across town you can find soccer players working hard at a number of our fields. While it may not be abundantly clear just yet I'm here to tell you there's overwhelming support to bring major league soccer to our community. I'm here to show my support to bring major league soccer to Austin. I hope you will pass item 46 as a first step in this important process. Thank you.

>> Mayor Adler: Thank you.

>> Casar: Mayor before the next speaker comes up I have to leave for about 20 minutes so I just want to share my thoughts generally on the item. I appreciate the sponsors and cosponsors bringing this forward. I think it's important for us to take a look at -- now that the news is out for us to really analyze what this -- this proposal and to look at different possibilities for city land, just talking to some San

Francisco my own constituents in my own community there are a lot of people of that excitement about the potential of a professional soccer team here, which is promising, but at the same time I think that we would have to answer back to the community why we would utilize public land for this kind of purpose so I think community benefits and negotiating that out and working that out would be critical if we were considering public land for this kind of use, and so I'm supportive of the resolution as it's been presented by the mayor pro tem. I do also want to comment on the urban versus outside of the urban area issue.

[7:30:14 PM]

Being in a district that has had less investment from the city, I recognize that a lot of times that there is some equity argument towards getting amenities other to further parts of our district, at the same time I think there is an equity argument to be made about having activities in downtown that are accessible and interesting for families and communities of color, as well, so I think there's an equity argument on both sides. It was actually just last weekend I went to see the Austin spurs play in cedar park and there were lots of families from my district of that driven all the way out to cedar park, you know, it's a pretty long haul out that way to be able to go enjoy not the top level but pretty -- we have a pretty good team out there and we won by a lot and it was really fun and there were of people from my district who went all the way out there who I think don't have much to do in downtown Austin. I recognize and respect the arguments for having it outside the core and I think there are arguments for inside the core. I think it's a debate and interesting for us to continue discussing as this moves forward.

>> Kitchen: Mr. Mayor, could I comment briefly before the councilmember has to leave. I think the reason that I wanted to bring forward an amendment that broadened the scope of the study is simply so that we would have the option. Because we're not here today to make any decisions because we don't have the data, we don't have the information. And if we only vote on a resolution that limits what we're looking at to the urban core, we're doing a disservice to our community because we're not understanding what the total population -- what the total options may be, and so to my mind there's no reason to limit it at this point in time and as you say, andy agree, there are benefits to the urban core. There's also benefit to outside the urban core. And if we don't get the information back, we won't be able to make that decision. I think it's premature to make a decision at this point in time about the part of town that we want to do this in.

[7:32:20 PM]

I just wanted to comment before you have to leave.

>> Casar: That's fine. I'll let you guys -- I imagine have that debate after I step off and as I mentioned in my remarks I think it's a worthwhile debate to have. I just wanted to weigh in on the fact that I think it's -- you know, there are pros and cons either way from the equity perspective but I'm supportive of the resolution. Thanks, y'all.

>> Mayor Adler: All right. Let's go ahead and continue on with folks. Who is next? It was sonny.

>> Yes, sir.

>> Mayor Adler: You talk and then next up will be Jacob madden. Is Jacob madden here? You're up next. Sir, three minutes.

>> Thank you for your time and I just -- I'm excited for this. My name is sonny

[indiscernible], I was born and raised here in Austin, Texas. I want to share with you what soccer has meant to me in my own life and what I think it could do for our city. I grew up playing for the fliers and Austin capitals. I played for the U.S. Youth national team and graduated from Sierra park high school as an all American. I went on to get a full scholarship to Campbell university and ended as an all American. I left college to pursue a professional career where I signed a pro-contract and stayed until recently last year when I moved back home to Austin. While living in Mexico, I could see the country eats, breathes, sleeps soccer. Families go together to games or sit around the TV as their local team is about to play. I can tell you I've seen the same thing in Austin when children are waking up at 6:00 A.M. To watch games live in England. Families packing up their car for a road trip to Dallas or Houston. I've lived and traveled to a lot of soccer loving cities throughout my career and I can say without a doubt that Austin is a soccer city that rates second to none.

[7:34:21 PM]

You are not only voting for a professional soccer team to come to our great city, you have the ability to bring positive role models to our positive youth, fulfill the dreams of thousands dreaming to become a professional soccer player just like I once was, most importantly your vote has the power to bring families across the city through this world together through the love of our beautiful game which we call football. Thank you.

>> Mayor Adler: Thank you.

>> Mayor Adler: Jacob madden and then mark gentile. Go ahead.

>> Thank you. Thank you for the opportunity to speak to y'all today. My name is Jacob madden and I'm a soccer player and I'm a senior in high school. I'm here today to tell you why I would like to see major league soccer come to Austin. I've played since I was five years old, for Round Rock association, crossfire, Georgetown forest and now lone star here in Austin. I am planning on playing division one

soccer in college. I would like to see the mls team come to Austin because it would be an amazing experience for the Austin people to have a pro-team in our city. It would also help develop the youth players in Austin area. It would be an experience and to watch soccer at the highest level here in our city would be inspiring for all the youth players. And I know that there are thousands of youth players like me who feel the same way. I would give big -- it would give big-time soccer players in Austin in this area a chance to play for their hometown instead of taking their talent elsewhere. Soccer is much more than a sport. It is a way to bring all different types of people together. I hope you'll please support moving forward and bringing the mls to Austin. Thank you.

[7:36:22 PM]

>> Mayor Adler: Mr. Madden, thank you. Our last speaker we have is Mr. Gentile, mark gentile? Gone? Okay. Those are all the speakers that we have. We're now back up to the dais. Mayor pro tem, there was an amendment that was offered by Ms. Houston. Is that -- and you also wanted to make -- why don't you make Mr. Flannigan's amendment and then we'll come back to Ms. Houston.

>> Tovo: Sure. If it wasn't clear that it's incorporated in the base motion, I would add as an amendment councilmember Flannigan's amendment that he distributed on the dais that adds businesses, places of worship, public facilities and schools. To the line about traffic and other potential impacts on regional neighborhoods. Residential neighborhoods.

>> Mayor Adler: Is there any objections to having those amendments included in the deal? Hearing none, that's included, both those two amendments. Ms. Houston had an amendment. Did you see that?

>> Tovo: That's fine.

>> Mayor Adler: Anybody have any objections to including those amendments, Ms. Houston's amendment? Hearing none, Ms. Houston's amendment is included. Ms. Pool.

>> Pool: So I don't have an amendment written out, but I have concerns that I think can be addressed by us on the dais. I would like to suggest that we remove the names and specific -- the names of people and specific team references from the resolution in order to ensure that we have -- that it doesn't look like we're picking winners and that -- and that we have the broadest possible application available to whomever. May be interested in having a soccer team in Austin, so if we're going to have a professional team here, which I'm interested and intrigued by that possibility, I don't want to limit it to just one.

[7:38:34 PM]

I understand that that particular one happens to be the one that seems to be available at this time but that's the way things are right now. So I don't want to preclude any other -- any other teams or any other options. So I would request that we take out the names and the references to specific people and specific teams.

>> Mayor Adler: Mayor pro tem, help me here and, councilmember pool, help me. I'm looking at the resolution. The resolution has a whereas clause that a particular team has asked to locate here, and that's true. That's a whereas clause. So then I look to the resolved clauses -- look to the resolved clauses and the resolved clauses as I read the mayor pro tem's motion just say mls. It doesn't say anything in particular but it does say among the people you talk to it said talk to those people that expressed an interest. Ms. Houston added somebody else in that list. I'm not sure what you would be proposing -- if I understand correctly. Mayor pro tem.

>> Tovo: So if I may, I believe that the first version that I posted online may have had the team name in the be it further resolved. It no longer does.

>> Pool: Okay.

>> Tovo: It does direct our city staff to include Precourt sports ventures as one of the groups with whom they should talk but it directs the city manager to identify city-owned sites that could serve -- that might be appropriate for a soccer stadium that could serve an mls team in the surrounding community. So it is specific to mls but it is not specific to that team. You know, and I went back and forth about whether to include them in the whereases, but, frankly, I just thought it would be more transparent. The public knows that there's been an interest expressed by this particular team, and I just didn't want to be cagey about it. That is why we're considering this opportunity at this time and I do think it's important to narrow the staff's focus to a soccer stadium that would be appropriate for a major league soccer team rather than soccer generally.

[7:40:44 PM]

>> Pool: Okay. And that's helpful. And I'm glad I asked the question so that we could get that established. In your resolution, it also talks about -- and I need to make sure I'm looking at the proper version of it, but it also talks about how precourt sports and it's in, I think, one of your whereases, it says that they won't -- they won't cost us any money as far as building a stadium. Is that right?

>> Tovo: There is a whereas that states the commitment, as I understand it -- and I know we have representatives here who can confirm it that Precourt sport ventures has confirmed that it would pay all construction costs associated with a world class soccer park and practice fields and he that's language they supplied me with so that is their commitment. I know that's a public interest that we would not be building -- we would not be using tax dollars to build that.

>> Pool: That's good. That's the piece I want to poke at a little if I could. I want to make sure it is as all encompassing as it sounds because at this point I prefer that this happens in a way that doesn't cost the taxpayers any money at all. I know that from history of stadiums in Texas, that even though at the front end sounds like it will be at no cost to taxpayers, in the end it happens that it is at a cost to taxpayers. So I want to completely close the door on that. And I understand from having had conversations with Mr. Precore and his representative that they do not intend to seek or to spend -- maybe just to seek, I don't know about to spend, any public dollars. So I want to get that on the record as well because I think this is fundamental in going forward. Mr. Subtle.

>> My name is Richard subtle, on behalf of precore sports ventures.

[7:42:48 PM]

What you said is true, in this unusual situation Anthony precore has offered if we can find a suitable site in Austin, Texas, for a stadium, he's made the offer to bring his mls team here and not ask for any public funding to construct the stadium. So --

>> Pool: So you have mentioned construct. Can you be more expansive?

>> Construct, maintain. The idea here is that precore would bear the cost of the stadium.

>> Pool: I guess the piece that I keep getting hung up on is it's just the stadium. Are there other elements or adjacencies to this stadium that might show up as something -- none that we're aware of.

>> Pool: -- That they would ask for public financing for?

>> None we're aware of. This step tonight was we have an opportunity in Austin, Texas, which there are 12 other cities in the country competing to get an expansion team, get exactly what we're being offered here tonight and not have to go through the expansion process. As part of that, Anthony precore has said he's not looking for public funding for this stadium. I don't know how I can be any more broad than that.

>> Pool: Great.

>> The other issue that was interesting and I heard the conversation about narrowing this down and not mentioning anybody in this, there is only one opportunity here. For an mls team. It's this one.

>> Pool: So that's great. And so that's on the record. And I think it's really important for us to develop that and state it clearly and expressly that precore or any other future assigns with regard to this particular venture would not seek, nor expect, financial support from the city or taxpayers for any element of this, of this initiative.

[7:44:53 PM]

>> I think that's okay. But any -- any city support might preclude whether we partner on land or we partner on other aspects of it. We're not seeking any public funding to bring this team here.

>> Pool: So then that raises the -- another concern that I have, mayor pro tem, and I would prefer that whatever -- whatever location is designated should mls come to Austin that it be on privately owned land, but that -- and it is not on public land but that if it must be on publicly owned land that the route we choose in order to make that official is the route that is the recognized public process, that adheres to state law in every element. That being chapter 26. I don't want to see any shortcuts or end runs or is there a soccer term that I could use to have an equivalence?

>> You got me. I'm still learning. I don't think we'd be offsides.

>> Pool: I think that might be a different football.

>> I haven't found anybody that understand what's offsides means.

>> Pool: I don't know. That in soccer football too?

>> It is. It is but who knows what it means it.

>> Mayor Adler: Okay. You got that?

>> Pool: All right. So that's -- those are concerns that I have at this juncture, and so to the extent that we're able to address them in the resolution, then I should be able to vote for this moving forward. But I do need to have my concerns reflected in there for that to happen.

>> And those concerns are well-taken. I think tonight our view of this resolution is just to start the conversation to see if there are any sites that might work for the city, the community, and for the team.

>> Mayor Adler: We're not agreeing to any process at this point.

>> We're not entering into a process tonight. We're just starting the conversation about are there any suitable sites.

[7:46:55 PM]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: We still have nine more items. I would suggest we move forward on this one if we're okay doing that.

>> Houston: Well --

>> Mayor Adler: Ms. Houston.

>> Houston: I would like to call Mr. Foley up since you asked the question about public dollars being used to see if he has any response since he's been added to the mix.

>> Mayor Adler: Since councilmember pool asked the question about public funds, you want to bring up who?

>> Houston: Mr. Foley up there are other interested parties in bringing mls to Austin. There isn't just one evidently.

>> Houston: Not mls, not mls. Mr. Subtle was very clear that he's the only agent for major league soccer. This is about a soccer team. This is not about his team. This is about other teams that might come to Austin.

>> Thank you, Ms. Houston.

>> Houston: All right.

>> Councilmember Houston, thank you. This sports and entertainment hub that I mentioned earlier also would not be asking the public for any funds.

>> Pool: And could I ask a follow-up question?

>> Mayor Adler: Go ahead, Mr. Foley?

>> I'm sorry.

>> Pool: Thank you. It's actually helpful to have competition, as we know. So it -- I'm glad to see the competition. So you are looking at constructing a stadium without public funds and also not on public land that would accommodate an enterprise that's similar to what Mr. Subtle is talking about, even if it isn't mls?

>> Yeah. Excuse me. Excuse me. Yes. Yes, a multipurpose project in alignment with rodeo Austin.

>> Mayor Adler: Okay. Thank you.

>> Pool: Thank you.

>> Thank you.

>> Mayor Adler: All right. We have a motion that's been amended. The amendments are all on. Ready to take a vote?

[7:48:55 PM]

Mayor pro tem.

>> Tovo: Mayor, I can add -- I we should if it would help councilmember pool if we added to the clause that we were looking at precore sport ventures has confirmed it would pay all construction, what if we add and maintenance costs or operating costs? Does that help?

>> Pool: I don't want to limit it. I feel like those limit it. Any costs associated with construction and operation of a stadium.

>> Tovo: I think we've just said the same thing, but construction and maintenance -- construction and operation.

>> Mayor Adler: Since the conversation hasn't begun yet, I know what construction and maintenance are. I don't know what any other would be.

>> Tovo: Yeah.

>> Mayor Adler: Because construction hasn't begun yet.

>> Pool: Which is why I want to throw the net as broad as we can. I don't want us to find ourselves thinking we're not going to pay anything at all and all of a sudden it appears they can't do it unless we do this. I want to be really clear because they're saying there is no public dollars expected in this, I want to shine a -- I'm sorry I'm being real fine-tooth combed about it but I feel like I need to be.

>> Tovo: I guess I would offer that -- I will offer that's a friendly amendment to my resolution, pay all construction and operating costs.

>> Mayor Adler: Okay. Any objection to adding all construction and operating costs? Hearing none, that's incorporated. Okay. Anything else on this before we move to the next item? We have to take a vote first.

>> Kitchen: I have a --

>> Mayor Adler: Go ahead.

>> Kitchen: I thought what we were trying to do was make it clear that -- that we're exploring options. This resolution is not for precore. This resolution is to explore whoever comes forward. I certainly appreciate that precore is the one that's in front of us today and that's very exciting. I'm really looking forward to that. But if someone came through the door, you know, tomorrow or the next day, this resolution is looking for options for anyone.

[7:50:56 PM]

And I think that's all you're just -- all the language that councilmember pool is trying to make clear. So I'm not sure that the mayor pro tem's language gets there.

>> Tovo: If I could just mention, again, I think we're talking about two different areas of the resolution. Councilmember pool was talking about -- first she was talking about the issue about precore versus precore -- precore versus major league soccer. Just a minute ago we were talking about costs associated, and I was trying to incorporate her concern about operating costs into the whereas that refers to precore. But just, again, in the be it resolved, it asks our city manager to look for city-owned sites appropriate for a soccer stadium that could serve an mls team and the surrounding community. It does not say precore, not say any other team. It says an mls team and the surrounding community. Maybe we'll have -- anyway, comes forward, precore or another, that's what we're working with.

>> Pool: My fear is that by having precore in a couple of the whereases on the first page that that indicates that that is our sole interest. And I did give a try at taking that out, and I can do a little bit more work on that, but I think that that's -- I mean, I know we're creating our legislative intent by talking about it here today, but not everybody goes back and listens to our conversations on the dais. And so if the final document is the one that's in front of us, I have -- I'm concerned that we -- that this psv is in there numerous times and that it seems to give a -- an advantage where I would prefer there not be an advantage. I completely understand why Mr. Subtle would want there to be an advantage, but I think -- and so recognizing that, I'm trying to just keep the door open and not bias anybody for or against any of the organizations that might be wanting to bring a team to Austin.

[7:53:14 PM]

So I had written for that one, two, three, four -- fifth whereas, and I don't know if it's the same one because I'm working off of a document from the other day, I don't know if it's the same one you put into backup, but it says whereas precore sports ventures has expressed an interest in potentially moving, I changed it to something like Austin is understandably of interest to mls teams moving to Austin, and if you want to mention Columbus crew soccer club, I was concerned out that's only team that's currently available. I don't know if that's going to change any time soon. And then the second one, whereas for relocation to Austin concern a location for a stadium would need to be explored and solidified, so that would remove the words "Precore sports ventures has indicated that a mutually agreeable," again, that sounds like we're already negotiating with them.

>> Mayor Adler: I mean, at this point -- I mean, I'm not sure we need either whereas clause at all because they're just recitations of facts. The reason we're having this conversation is because an mls team has come to Austin and said they want to be here, and if that didn't happen we wouldn't be having this conversation. So it's just a recitation of a fact. I mean, that happens to be true. And the mayor pro tem's -- said she put it in there because it was true and it made it most transparent. We're doing this because they councilmember tovo us, but we're not -- came to us but that's now started this so we can do this -- I don't think it gives an advantage to anybody. It's just saying -- saying an mls team. From where I sit you can take out any recitations of fact. The only person that doesn't get the advantage there is transparency.

>> Pool: I would be fine with that if we just deleted those two whereases.

[7:55:19 PM]

>> Tovo: Mayor, I guess I would prefer that we vote. I think we're having a very public conversation about that, about this issue. I think it's important. I'm just looking back at the resolution from 2014 that talked about the as techs, it was a similar discussion that was transpiring in 2014 andy put that resolution on the message board. I guess I'm -- since we all know why we're having this conversation and since we are hoping to have that conversation with this particular sports team's owner, I would just like to be very clear about that. So that's --

>> Mayor Adler: All right. So it's not -- do you want to make.

>> Tovo: That is the context for the conversation.

>> Mayor Adler: Do you want to make a motion to strike that whereas clause?

>> Pool: As a compromise --

>> Mayor Adler: Not --

>> Pool: The second one, I would simply like to have that last whereas on page 1 say whereas for a relocation to Austin occur a location for a stadium would need to be explored. And solidified. If you would take out that one --

>> Mayor Adler: Which motion? To do what?

>> Pool: To delete -- to make a deletion -- a minor deletion on the one, two, three -- sixth whereas clause, the one I'm reading.

>> Mayor Adler: Okay.

>> Pool: Whereas for a relocation to Austin to occur, and then delete "Precore sports ventures has indicated that a mutually agreeable" and insert a and then continue on location for a stadium would need to be explored and solidified.

>> Mayor Adler: Councilmember pool moves to strike precore sports ventures has indicated that a mutually agreeable location, those words. She's moving to strike strike it from the sixth whereas clause. Is there a second to that?

>> Tovo: I think she -- if I understood it it was striking Precourt sports ventures has indicated that so that it would read for relocation to Austin -- for a relocation to Austin to occur --

>> Pool: A location for a stadium would need to be explored and solidified.

[7:57:20 PM]

>> Tovo: That's fine.

>> Mayor Adler: Okay.

>> Tovo: So you're striking -- and that signaled me I was missing a to before occur so I'll put that back in.

>> Mayor Adler: Councilmember pool moves to strike precore sports ventures has indicated that -- and also striking the words "Mutually agreeable --" -- no, it would read for relocation to Austin determine a location for a stadium would need to be explored and solidified. That is the amendment. Is there a second to that amendment? Ms. Kitchen seconds that. Is there any discussion on that amendment?

>> Alter: I don't want to add more time to this but I don't see why we're striking mutually agreeable. You'd have a -- we're not going to do this if it's not mutually agreeable.

>> Mayor Adler: I like keeping precore in because it's transparent, explains why we're doing what we're doing. I don't think it gives an advantage. It's a recitation of fact. Let's take a vote. Okay. Ready? On -- councilmember pool's commencement to strike precore sports ventures has indicated that and also strike mutually agreeable. It's been moved and seconded. Those in favor of that amendment please raise your hand. The mayor pro tem, kitchen, and pool. Those opposed raise your hand. The rest of the dais. Okay. So the amendment does not pass. Anything else on this one before we vote on it?

>> Kitchen: I'd just like to make a statement.

>> Mayor Adler: Yes.

>> Kitchen: I think we're saying two different things here. That I think we're saying both that our intent is to broaden this -- to broaden this resolution so that if there were another team that came forward that

it would apply to them. So we said that. Then we're also saying this only applies to precore. So we're saying two very different things. I think the amendment was only an attempt to reflect what we were actually saying, which is that this -- at this stage of the game, we are very appreciative and excited about the offer that's been put forward and we want to work with them, but we're not working with only one team if another team comes forward.

[7:59:28 PM]

>> Mayor Adler: How about this? Now I think I see what you're saying. The recitations in the whereas clauses are just truths so they're truths. But if the concern is -- and I didn't understand the mayor pro tem's motion to be that we're only -- only can talk to them. We should talk to any mls team that's interested. So maybe in the resolved clause where we said that should include engagement with neighborhood groups, precore sports ventures we added Austin sports and entertainment, we could also add any other mls team that would come forward.

>> Pool: You know what, I think that's a better solution. Throughout. And I also think that we've created sufficient documentation and intent that we're not just looking at one group.

>> Mayor Adler: Anybody have any objection to including any other mls team that would come forward? Hearing none, that's included. Mayor pro tem.

>> Let me add, one of the advantages is it captures the commitment that they made to not ask for public funds to build a stadium, which I'm extremely keen on, making sure we solidify in our resolution. Mayor.

>> Okay. We ready now take a vote? Those in favor of this resolution, please raise your hand? Those opposed? Unanimous other than Mr. Casar. Thank you. R we ready to take up 94 and 95? We have the most citizens signed up on this issue.

>> Thank you, mayor and council.

>> Is there anything here we can let people go? So let's -- hang on a second. Let's let some staff members go. Okay? Item number 49, mobile loafers and fishes.

[8:01:39 PM]

There is no speaker. I think this was to wave a fee. Item number 49, miss Houston, you pulled this one.

>> I was just asking if the fiscal note was about the same as it was, mayor pro tem, last time we waved a fee for the mobile loafers and fishes.

>> We should ask our staff to comment on that I don't believe they estimated the cost on all of those fees at this point. I do have the figures for what it was the last time that we waved all the fees. I had it on my computer eight hours ago. So now I've got to find it. I'll have to check.

>> While she looking can staff come forward and help us with the waiver of fees?

>> On 55, we're going to come back and see if we can handle quickly, and then 86, which is the hud issue, we will see if we can handle quickly so if staff is around for those three.

>> I believe on 49, fees are not yet determined. This is a resolution to go and look at it.

>> So my question is, how much did we wave the last time we waved the fees so that we can see if it is comparable or if it is increased exponentially. That is all I was asking Katherine Johnson --

>> I do have the fees for what we had in the past. The fiscal note, we've paid for this project \$750.01. In 2014, 10,000 in December and almost 66,000 in may of 2014. So, as our attorney indicated, they have -- the staff haven't been able to estimate all of the fees associated with this.

>> But when we get that, we will be able to make that comparison.

[8:03:43 PM]

Is there a motion to approve this item, number 49. Mayor pro tem makes that motion. Seconded. Discussion? Those in favor, raise your hands? Those opposed? Unanimous on the tie-ins with Mr. Casar off. How about number 55. This is the acadian -- I think we have a speaker.

>> You passed the first reading already.

>> Okay. Is there a motion to approve this franchise agreement? Miss Houston makes that motion, seconded by the mayor pro tem. Any discussion? This is the second reading of this. Do we want to approve it on second reading only? This is second reading only on this ordinance. Those in favor, please raise your hand. Those opposed? UT is unanimous with Mr. Casar gone. It passes. What about item number 86. This is a hud matter. Hang on a second. Is Mr. Pena here? So we have no one signed up to speak on this. Quickly tell us what this is?

>> Certainly. Good evening, mayor and council. My name is Erika Leak, I'm with the neighborhood housing in the city of Austin. This is to have city council approve amendments to our required citizen participation plan which outlines the required citizen participation relating to our federal planning documents. And this is required by hud per their new requirements for an assessment of fair housing and we did seek input from the community development commission on the document and have

accepted all of the recommendations other than one that our understanding is hud would not be supportive of.

[8:05:55 PM]

>> Okay. Thank you. Is there a motion to approved hud amendments?

>> Could we know what the recommendation was from the community development corporation that you all didn't accept?

>> It is in back up. They provided some very specific changes that are reflected in the marked up document. The one change that we were not able to make is that they were recommending that the title of the document itself be changed from citizen participation plan to community participation plan, and because this is a hud required document that is cited in many other hud required documents, we are fairly certain they wouldn't want to change it but we actually did ask a question to their question system and they didn't respond. Which generally means that they would not be supportive.

>> And I guess my concern is that when we talk about sit sens, its -- citizens, it has a specific connotation, rather than talking about individuals or people or residents are people who reside in the area, so that would be my concern. It appears as though we're limited to a specific class of people.

>> Under stood and we would love to change the title, as well. We did change the other references in the document for citizen to community member for exactly that reason.

>> Okay.

>> Is there a motion to approve these hud changes? Miss Houston makes the motion. Is there a second to that? Miss Garza seconds. All in favor, raise your hand? Unanimous on the dais with Mr. Casar off. Thank you.

[8:07:58 PM]

Now let's call items 94, 95.

>> Thank you, mayor and council. Greg Guernsey. Item 94 and 95 had to do with land east of 12th street, going west, on the south side. Part of the 12th street urban renewal plan, and also the east 11th neighborhood conservation combining district. The commute innity development commission made a request to change the nccd and the urban renewal plan ands that moved forward, they did initiate the change and did take action on the urban renewal plan. The go was to reduce the maximum building

height on these parcels from 50 to 35 feet, to reduce the maximum impervious cover from 95% to 80% and to make the following changes in building set-backs that would be increasing front yard set back from 0 to 15, the side-yard set back from 0 to 10, the interior side yard, interior side yard to increase 0 to 5 and the career yard, decrease set back from 10 feet to five feet. The planning commission did not accept all of the community development commission's recommendations and only addressed the height recommendation and did not accept the reduction in impervious cover and did not accept the changes in the set back.

[8:10:08 PM]

Excuse me, you are back renewal board. I apologize. And, then, the last item on the planning commission did accept a change to was the height. And, as it is measured from the rear property lines along these properties, the rear height within the 25 feet would be limited to 35 feet and then, from that point forward, from that 25-foot line to the front of the property, the heights would be limited to a maximum of 50 feet in height. There is a considerable support that has been brought forward by the adjacent residential property owners. We do have pro petitions that have been filed in opposition. One by eureka, which owns four tracks in this area, which is a property owner affected by the zoning change. They are opposed. That would be 100% petition on those parcels. And, then, for the properties that are within 200 feet of the area that you see on the screen, we have received opposition, just over 22% of the property owners in this area. And so they would both constitute valid petitions. Our law department, I believe, has provided an ordinance which have you on the dais in yellow. It should look like this. And that is reflective of the planning commission's recommendation I'll pause. I know, mayor, I think we have at least 19 speakers, I think on the zoning case and on the urban renewal amendment I think there is at least 12 or 13.

[8:12:10 PM]

>> Right, and they overlap so I'm going to call them together, when we call them. Do we want to go to the public speakers? Do you want to say anything before that. Miss Houston.

>> Yes, this has been a very long and arduous process. The neighborhood started this process in 2013, 2012, I'm sorry, it as relates to block 16 and 17. Not the whole area that you saw on the map. It is just two blocks in question. So I would like to have the public hearing first, and then have the zoning case.

>> Stay again.

>> We have both a public hearing on the urban renewal plan and we have a zoning case, if we need to vote on.

>> Right, I was going to take the public testimony at the same time on both and then we'll take each item individually.

>> Okay, that's good.

>> Mayor .

>> Mayor Adler: Speak to both, 94 and 95. First up is Cliffton Van Dyke. Is Christy Cleveland here? All right. She is donating time to you. Come on up. And there's Travis Sartor. So you will have three plus two plus two. You will have seven minutes. Before you start, the next speaker is going to be Megan Ellis.

>> No, Megan is first.

>> You're Megan.

>> Megan is first and then Cliffton.

>> So Megan has had time to donate Ed by Dusen and also by Tracy's wife. So you will have seven minutes to speak, and then Cliffton Van Dyke will then speak who will also have seven minutes.

[8:14:16 PM]

Go ahead.

>> Perfectly in keeping with the stutter steps of this whole process. Mayor and council members, thank you for hearing me. I'm a 10-year resident and property owner in the neighborhood and the ocean secretary, organization of central east Austin neighborhoods. It is wonderful to be here in front of you after this five-year process, and I thank you on behalf of our neighbors for your consideration of our case and for listening to the reasons we believe setting the max number height on 35 feet in our portion of the urban renewal project area is necessary. Before I dive in my neighbors here tonight, if you would raise your hands tonight so council can see how many folks we have in favor of this initiative. Keeling is a small neighborhood, bordered by -- avenues. Two blocks of single family homes sit between the library, museum, middle school and blocks 16 and 17th. Since 1999, east 12th street has been the subject of urban renewal and plan, east 11th and 12th street which laid out project-controlled rubrics and the conservation and combining the three districts with different site development services. Keeling in section two in green and the standards are on that slide. It is important to note that the vision for east 12th street originally laid out in the urban renewal plan adopted in 1999 conceived of rest Dan -- residentially compatible small scale business and housing were priorities as were maintaining the existing set backs on the lots. The project controlled rubric set a maximum of 35 feet along the entire

street. Set use of objectives and homes on commercial surprise and creation of housing units, retail square footage and housing spaces.

[8:16:24 PM]

Flash forward to 2005, the urp was gutted, undoing the promises and vision of the urban renewal plan. Mansion -- maximum heights were increased. Impervious cover was raised to 90 to 95%. Why is this happen? Official rationale was the developers needed these quote, unquote, compromises to stay in line with urban renewal vision. However, 50-foot lines are completely out of line with our neighborhood's vision. They are not residentially compatible and not consistent with existing housing or other important structures in or neighborhood. Interestingly, the urp does not include project controlled rubrics for block 16. It is not in the original plan or any of the following amendments. At planning commission, the urban renewal board plan explains they were never on board with this plan. They decided to deal with this block later wish they did. In 2008, it was adopted codifying the changes so -- codifying the changes so they would live on pass the plan and any responsibility the developers had to use these standards to comply with the street. The ncc garnered a protest petition with 74 signatures from nearby residents including six of the eight lots on block 16. The remaining two were owned by investors who purchased these properties before the urp amendment and ccd was passed. Keeling homeowners protested the zoning but they were ignored. Beyond twisting the vision for this street, the ncc is nothing near compromise. Under the base zoning on the Keeling blocks, a maximum of 60 feet is allowed but nowhere near achieved because of the compatibility achieved on the side and rear.

[8:18:27 PM]

Normally there is a 15 to 25-foot set back but they got reduced to zero and 10 and neighbors good height relief in exchange. This is what it is possible to be built next to Keeling homes. These are another elevation whatever that maximum building envelope could look like and some pictures of the homes as they exist on New York avenue, south of 12th street and more homes along 12th street itself. Seeing that study and elevations whatever was possibly going to happen next to our neighbors homes Keeling voted in 2012 to pursue controls that would provide greater compatibility and protections. In 2015, they voted unanimous lieu for a 35-foot height limit and impervious cover and set backs that we follow the logic of this, all Keeling is asking for is a limit on the height. We believe the 35 limit height can achieve our goals for reasonable protection for neighbors on 12th street, set backs and impervious cover and building coverage. In its considering, the urban renewal board provided arrangement to set back in the rear, limiting height to 35 feet and going up to 50 feet. The urban renewal board rejected this idea

because it provide nod protection for houses on either side of these properties nor on the backside of the properties for neighbors on New York. What happened under code next. If this were not under urban renewel, it would be a mixed street, like south street, Duval, saint Johns, ditmar, Hancock and exposition that Saturday base height of 32 to 35 feet and offers lower building and impervious cover.

[8:20:31 PM]

Setting our blocks at 35 feet with all the other entitlements in place puts us more on par with what may be the new code in similarly-situated places. But, it also keeps in place some generous latitude for those who want to redevelop it consist ten with our neighborhood. Finally, I will say we are mindful of all the planning resources that have been expended on our neighborhood. We don't think an entirely new process is warmed. There are other cities that deserve attention. Leaving project and planning controls in good shape, for those next in line for resources that they are hopeful about their vision coming to pass in their own neighborhoods. Thank you for hearing us today. I would be happy to answer any questions.

>> Thank you. Let's call Cliffton Van Dyke.

>> Before I begin, I have a document I would like to -- mayor, mayor pro tem and council, thank you for the opportunity to speak tonight on behalf of Keeling neighborhood association and the organization of central east Austin neighborhoods. I am acliffton Van Dyke, current vice president of ocean and Keeling president. I'm last resident of New York avenue. My family has been on New York avenue since the 1920s and my parents, who are very active in promoting the integrity and well-being of our community.

[8:22:32 PM]

I'm grateful for their efforts in the our neighborhood that we enjoy today. This has been a long process to get here. Five years. We stuck with it because we are committed toence during our urban renewal plan and other regulations support the vision and inspent of this street by balancing flexibility for new development with quality of life concerns. Keeling voted in 2012 to pursue meaningful protections for the folks live on east 129 street and those on the portion of new York avenue that back up to it. Our ballot included the pros and cons of pursuing this change and two attorney investors on block 16 wrote the cons. We established ballots and distributed them door-to-door, carrying them in public. The vote was 38-3 in favor of change with only the two investors and one of their tenants opposed. We only ask to set the height limit of 35 feet on block 16 and 17. We're fine as keeping the other site standards as they are. Several block 16 and 17 stake olders support a 35-foot height limit, including homeowners that you will hear from tonight, Ida and Willis hunt who own commercial property on block 17, Simpson

united methodist church and the historical society. The over arching theme of their letters is that the community members and organizations are clean aware of the challenges our neighborhood has faced and continues to face and are mindful of fulfilling their aspirations in a way that doesn't exacerbate those challenges and are harmonious with their neighbors.

[8:24:33 PM]

This is what we are going for, harmony and balance, to be good for our civic institutions, long-time and new residents and local businesses. We sincerely appreciate our 12th street neighbors willingness to support our request to this one change to their development and titlements and respectfully ask you support this compromise with your vote tonight. If I have any time remaining, I would like to see that my neighbors receive that time. Thank you, sir.

>> Okay. Patrick. Is John falo here? Okay. San Jeremiah bachla. Jeremiah here?

>> No.

>> Okay, you have five minutes.

>> Okay. I'm Patrick Houck. I've resided on 12th street since 2011. We think 50 feet is way too much height, specially with set backs, is sets us up for invasion of privacy, noise and we can live with the zero foot side set back. We see the change as a correction for all those block 16 owner whose 2008 protests were ignored by the city. Their property rights were discounted and silenced by the aspirations of owners who pushed for the ACC. This change can balance for all. Staff asserts the changes across four blocks is to significant a geography to consider outside the discussion of the whole urban renewal area. Please remember that Keeling only requested changes for blocks 16 and 17 in our neighborhood, as did the urb letter to the planning commission. Planning commission added in and took back out the gas station to the west and block 19 to the east.

[8:26:37 PM]

I urge you to go back to what urb originally requested at the behest of the Keeling neighborhood association and ocean. They are the stewards of the renewal plan and responded to our request about two blocks. We didn't over step into other neighborhoods or planning areas and none brought a change urb. This is not a broad change from urb but more like a neighborhood plan amendment only in an area governed by urban renewal plan. Staff insists there has been no significant change to the area to warrant this rezoning. I strongly disagree. One company has been steadily amassing property along and nearby east 12 with no plans for the land exempt as long-term play. They told the planning commission,

they have no plan. They told council member Houston, they have no plan. Despite what they say, they are soliciting owners of property that is not for sale. They contacted me through times with three months with progressively higher offers, and every time I politely conveyed they were not selling. When people are offering at much as they were to us, it changes who stays and who goes. We were able to resist the offers. Some who are struggling were less positioned to stay in their homes. We have to wonder if the zoning on this street is counter productive to the goals of our urban renewal plan. The same day eureka told them any prompt acquired was on the open market. Misleading, it went out to homeowners adjacent to east 12th. The letter warned the owner's property was in a capital view corridor and future developable rights for your property will be severely restricted. I'm not sure how that gets in the way of homes with a 35-foot limit it seems eureka has a vision for our neighborhood that doesn't include our homes but something a lot taller. This isn't the plan for this area and I don't think that is what the urban renewal plan intended, amassing single family homes and demolishing them.

[8:28:49 PM]

He wrote, we have made a lucrative offer to purchase your prompt, I hope no one is falling for the message their property is worthless so let us buy you out. Entitlements are sending a message what the city does not want are homes and it is drawing investors with no commitment to the plan. It is deplacing neighbors like the family that lived next to us and did not afford to say no. Please encourage compatible redevelopment rather than long-term speculation that holds my family and neighbor's plans future hostage who don't know what the community plans for and desires and don't know what their decisions impact us.

>> Thank you. Is Yvonne Van Dyke here? You have some time donated to you. Is Bob kusomoto here? Thank you system Bobby lavinski here? You have five minutes.

>> Council, thank you for hearing us. I want to trace that we would not be treated equal to others in the urban renewal area. The ncc sub district map clearly situated properties are already treated very differently with sight controls ranging from 35 to 60 feet with the purple, green and yellow Zones near ih-35. The recommendation for 35 feet was trying to bring greater zoning consistency. It includes single family homes and old houses in single family and multifamily zoned prompt.

[8:31:00 PM]

Property. The height limit there is 5 feet. We have structures on 16 and 17 on commercial and multifamily zoning and those lots back up to single family just like in Robertson hill we got 50 feet. There

is a similar mixture of base Zones in those neighborhoods but these similar contexts were treated very differently by the nccd. The change we are requesting and supported by the urban renewal board would treat properties more consistently. And though there is vacant land on east 12th street to be redeveloped, we see progress that does not require more than 35 feet of height. They built two duplexes which exactly the missing middle housing we want encore doors and next to it adapted use of existing structures for a new state office -- new real estate office and barber and clothing store. All under 35 feet in Robinson hill, dense homes are 35 feet tall and certainly economically viable for the developer. In sweet hill, 50 feet, a local couple is producing exactly what the planned vision called for. Schedulable, and professional offices for artists in a project that is one to three stories. If families can make it work why can't eureka. A vote to change development standards in 2012, maybe those folks didn't apprise eureka of the amendments in process but they knew about them when they tried to buy out Patrick and Jeremy and think knew when they tried to buy from one of the attorneys who jumped in and bought the house from a Lott homeowner to position himself to resell it to eureka.

[8:33:19 PM]

I respect that eureka can protest this change in zing keep in mind they kept buying lots where they knew the height get lowered to 35 feet and in the past the council ignored the protests. Is this area is historically significant to the African-American community, both owned by eureka. The city landmarked home of a prominent school administrator who led Blackshire elementary, kealing junior high and the Clarksville school right into the ground under the ownership of poisonous setter -- these names are disrespectful and taken together with the aggressive approach to real estate that are troubling to me and in an area that is supposed to be thriving under the protection of an urban renewal plan. To sum it up, I am troubled that kealing residential zoning and uses were not given the same respect as Robertson hill, which is closer to I-35. Similar community concerns shutting translate to similar entitlements but do not. I am troubled that the homeowners on block 16 were ignored in 2008 and property rezoned against their wishes. I am troubled by the notion that the rights of the investors with no plans and no dedication to preserving the African-American historic landmark purchase matters more than the rights of the new and long-term residents who are committed to this community. More than anything, I think we should have reasonable controls in place to reflect our vision and guide renewal, no matter who owns the land. We need controls that request everyone's right and their place in the community.

[8:35:20 PM]

>> You can go ahead and finish your thought.

>> We need controls that promote all the goals we have, compatible new development and preservation.

>> Thank you very much.

>> Next speaker is Gus Pena. After Gus Pena interesting is Tim pinsent. Is Tim pinsent here? You have some donated time. Is Richard jeffroy here.

>> Yes.

>> I got you. Thank you. Is John shuffle here.

>> He had to leave but we have another bun who had time.

>> Who is that.

>> Cameron post.

>> He had signed up saying he is not going to speak, but he is giving you his time now.

>> Yes.

>> That's fine. You have seven minutes.

>> Thank you. My name is Tim pinsent, I'm the director of mission impossible. Mayor, I appreciate the time you have and miss Ora Houston, thank you for your friend ship and helping with us difficult times in serving the community, too. The first thing I want to say mission impositivable is not an investor and we are not a gentry

-- gentrifier. I was involved in makes this one challenged neighborhood into a safer and more conducive district for growth in our dynamic city. Mission impossible has 25 years of involvement in central and east Austin leading to the transformation of 12th.

[8:37:26 PM]

We were in the weed and seed program with community stakeholders. We were involved with Ara, a four-year process that established the current zoning entitlements to stimulate economic growth that was very rigorous process that took us many years to go through. We've been involved in the community transformation leading up to the dmi project, which assisted in the removal of the 50-year open air drug and prostitution market that had played that corner. We have created a host of programs that have targeted those individuals that were served and offered a reprieve of their charges. To get involved in the programs and having life changes. Mission possible started programs that target children and family, providing solutions and resources living in hud and section 8 housing. Within just a few

blocks of our community center. Our current scope is over 1500 family that live in these developments. With 900 children, we have provided services like youth camps, after school programs, medical and wellness programs that strengthen families in crisis like our new homes that we have built on the property for safe homes for those individuals that find themselves in crisis situations. We invest in families so that every child can thrive. We own about eight properties on that corner. We moved in to the Owen's garage at comal and 4th 4th -- and 14th street back in 2006 so we've been in the community for a long time. We are opposed to the zoning changes for the following reasons: We believe that this change will limit economic growth.

[8:39:27 PM]

What we don't need in the community is more unaffordable housing. Houses on the central east corridor are selling for 500,000-plus, so dropping the limitations on the heights will create only housing. It will not create any kind of economic development. It will restrict mission possible's master plan, which includes a 50-foot, multi purpose facility, including park and gymnasium. You have the information sheet before you, if you look at that, those photographs, that has been on the plans for mission possible as the final phase of our development. This zoning change will take those off of the table and we will not be able to build that. We are not opposed to a process that revisits the nccd corridor with community help. Unfortunately, this venue is the first time my community has come to me and talked. We're doing it in this venue, not on a personal relationship. One of the things the planning commission decided to do was to stall the process so that the community could get involved in the process of zoning change. That never happened. We are isolated, we have made the biggest impact in that community as far as changing and now we are going to be the greatest impact for this zone change. It will stop what we are doing it will impede what we are doing in the community with the families and children, and I'm asking the council to consider an exemption for mission possible so that we can continue the plan that we have laid out from the very beginning. Thank you very much.

>> Next speaker would be Lee. Boho.

[8:41:30 PM]

John rector is on deck. You will speak next.

>> Hello, mayor and council members. I'm with genre group here representing the property owners of several properties on east 12th street, 1901-1905, 15, 17 and 21, 1603 and 1713, collectively known as eureka holdings this nccd was brought as part of a broad process and those on the ground today are the result of this process. The changes were initiated by a broad group of stakeholders who brought that to

fruition in 2008. If the nccd needs to be looked at we look at changes for it comprehensively. The lots being proposed to be rezoned today were zoned the way they are for a reason. My understanding is that properties in that area were sort of a Mish mash of uses and zonings that didn't match and when this process came through and the properties were zoned, those were residential uses, generally speaking, were zoned residential with a 35-foot height limit and those with commercial uses were with a 50-foot height limit. These were not arbitrary zonings. The as a result likely a reduction in residential units, reducing the height from 50 feet to 35 feet shaved one unit off the blocks. They would likely lose one layer of residential units. The property owner does not currently have a plan to redevelop these sites, but when they, do they are committed to work with the neighbors on what that plan would be and what that redevelopment would look like.

[8:43:30 PM]

We're asking to maintain the entitlements we have now that are part of that nccd. The planning and development recommendation was an attempt to compromise to appease of neighbors and maintaining the goals the nccd put in place. The staff recommendation is in opposition and we're here today to request that you approve the staff recommendation over deny the zoning change that is before you. Thank you for your time.

>> Thank you. Jessica brooks will be on deck.

>> My name is John rector. I'm with mission possible Austin. First of all, thanks for allowing me to speak tonight and thanks for our neighbors coming out. I know it's kind of a heated debate for the last five years. I am the child and family director, program director at mission possible. I spend most of my time, full-time employment with mission possible working with the housing authority of the city of Austin and with section 8 government assisted housing for the residents there. So we run all sorts of programs to benefit and to help the community, not to hurt the community. So that's the last thing on our mind. So we just ask that we are exempt from this to -- and continue to improve our property and the community. We do not want to hurt the community. In fact, we care about the community. We've dedicated or time and our employment and our resources, and we are a non-profit. We will not profit off of this property. We will not profit off of our people. We don't make a dime off of those people. All of our income goes back into our facilities and to our programs. So we just want to continue to invite the community, invite the city to have that ongoing discussion, but we do think that this, at this time, would hurt us and not help us in the long run, in our already plan that we have put in place.

[8:45:32 PM]

So, again, we just ask for an exemption. We're not investors, we're not looking to build luxury condos, not that there's anything wrong with that, but that's just not what we're here for. And we've been actively involved in the community for 25 years, and just to correct what Tim Pinson said, we've actually been on the corner of 12th as I understand 2003, not 2006. Our main building there, 1190 Chicon is a historic building, it's been around, we think about a hundred years, and we've had that property, so it is a very old -- and part of the community and we use it well and we want to continue bringing in other non-profits and other partners to benefit the community, not hurt the community. So when we stand up here, it's not against our neighbors or the city, we just ask for an exemption to continue our rights as property owners and as a non-profit to continue to benefit the community. Thank you for having me.

>> Mayor Adler: Thank you. Hold on one moment, please, sir.

>> Renteria: How far are you on this redevelopment?

>> How far am I? On this plan?

>> Renteria: Yes.

>> We have the plans approved, but since we're a non-profit we're still working through the financial plan with our staff. We don't have a definite plan, but we have an initial plan for that. I'll render that to our executive director to answer that.

>> Renteria: Do you have any why, timeline that you would have?

>> I personally do not. Our immediate goal was to finish our housing that we've been building, to serve the community that way first. So that was our immediate goal. I'll ask Tim if he would help me answer that.

>> Real quick, we had three phases, the safe home we just built that was on the picture earlier was the first phase, now the multipurpose center was the next one, but we're non-profit and have to go through a fund raising process to get that going on.

>> Mayor Adler: Councilmember alter.

>> Alter: I have a clarifying question but it might need to be from one of the neighbor representatives.

[8:47:33 PM]

You were asking for 35 feet on the 16 and 1700 blocks, not the 1800 blocks; is that correct? So what your asking for would not affect mission possible? Is that correct?

>> I believe that the mission possible property that they're referencing that would allowed to be built up to 50 feet is on the southwest corner of 12th and Chicon, and it is on block 17. Does that answer the question?

>> Alter: Because there were numbers at 1803 Sunday.

>> Yeah, the addresses don't align to the block numbers because the block numbers are part of the urban plan identifiers, not street identifiers.

>> Alter: Okay. Thank you.

>> Mayor Adler: Last speaker we have is Jessica brooks.

>> Hi. Thank you for your time tonight. My name is Jessica brooks and I am on staff at mission possible Austin. I'm in option of the zoning changes and request for mission possible to be exempt from these changes. I am mission possible's children's coordinator. I've been doing work in east Austin four years now and have seen the positive impact mission possible has had in the community. Children's programs are in five of the section 8 housing developments in east Austin. We have 900 kids and 1500 families. Every day I get more and more how whether or not we are to these families. This rezoning with impede the development of mission possible's future plans of our community center. To potentially not have the opportunity to grow and reach these families breaks my heart of the I hope we can continue growing to reach more children and families within our scope. My request is for mission possible to be exempt from the zoning changes on 12th street. Thank you.

>> Mayor Adler: Thank you. Those are all the folks I had signed up. Was I missing somebody? Okay. We're now back up to the dais.

>> Houston: Mayor, there was some statements that were made that I don't know the answers to. I'd like to call Megan up to see if she could respond to some of the statements that the agent made.

[8:49:35 PM]

>> Yeah. I think, councilmember Houston, I think you're referring to Mr. Pinson's assertion that the neighborhood has not been cooperative or responsive to their plans and their efforts to engage us, and I'd like to share that. When I became active in this project, Lee Sherman was the president of the neighborhood association, and we actually many times would have representatives from mission possible at those meetings. I can't offer dates off the top of my head, but we historically did work very closely with mission possible. Our neighborhood is tiny so any activity can have a big impact on what we're doing. We're always inviting business owners to speak with us, share their plans, and find out how we can help and support to create development that is in line with what's good for our community. And so I just wanted to clarify that Mr. Pinson's representation of our neighborhood as not cooperative or

not responsive is just not true. The plans that they had for their building expansion and fund raising, we never had an opportunity to chime in on those, to my knowledge, since I've been active with Keeling since probably 2011. Does that answer your question?

>> Houston: Thank you. That does.

>> Thank you.

>> Mayor Adler: Back up to the dais.

>> Houston: So mayor, what we have in front of us tonight is a lot of moving parking lots, a neighborhood that started in 2012 to amend their -- the urban renewal plan, for some reason, that vote, that valid petition did not get acknowledged by our staff, and so they've been doing this every year since then, trying to make sure that there was some compatibility, and it's only blocks 16 and 17 that they want to lower the height from. All the other entitlements will be kept in place.

[8:51:38 PM]

If you -- if we could put the houses up again, you can see the -- do we have a picture of the houses? You can see that they're small, cottage-like houses, except for on the but here tract, which is not in this subdistrict, where they are 35 feet, and those houses go for \$800,000 on 12th street. But the other houses are very modest. There's an alleyway that separates the blocks that we're talking about, 16 and 7. 17 there's an alley, and directly south of that alley are homes that people continue to live in, very small -- small homes, not pretentious by any stretch of the imagination. I would suspect that many of them are still income-accessible to many people in the year. And so this is what is at risk if we don't look at the reasonability of just reducing the height, the impervious cover, the floor to area ratio, the setbacks, all that remains the same. The neighborhood is only asking for the height on block 16 and 17 to be reduced to 35 feet. You see a rendering of one of the small houses. I think that's the house that my friend Billy hunter lives in. That's what a 50-foot house next to that would look like. The house on the corner is the passion society house, which is already historically designated, and so we still have neighborhood residences on east 12th street, unlike you would find on east 11th street where there's still just one resident living on east 11th street. He refuses to sell. Everything is going up around him, and they live right there on east 11th street. But on east 12th street, there's still neighbors, there's still a neighborhood, there's still a community of people who, again -- no entitlements, except reducing the height.

[8:53:41 PM]

That's what they're asking for. I handed out just a little a little while ago a document that looks like this. And I've talked about 70 properties that this developer has purchased, or amassed, this property, but we counted up the ones on 12th street, and they started just on 12th street, now, and it seems as though their first property was acquired in 2013, and then nine in 2014, 15 in 2015, five in 2016. And it's as though it's an invasion. I don't know how else to capture it. The neighbors had a valid petition that was not paid attention to and now they can't get a valid petition because the developer has speculated -- as amassed all of these parcels. And so I can't do a better job than what our neighbors did tonight in trying to talk to you about how important it is to make sure that there is coordination or compatibility as far as the height goes so that we can make sure that some remnants of our community stays intact. I think if I ask Mr. -- Mr. Rusthoven, could you come up here just a minute in I'm not sure that I've got this right, but is east 12th street the only two-lane street in the city that has no compatibility standards?

>> Councilmembers, 11th and 12th street are the two streets that have nccds that modify accessibility standards. Those are the only two.

>> Houston: Those in the only two in the whole city of Austin.

[8:55:41 PM]

>> Yes.

>> Houston: Okay. Tell me, what does that mean?

>> Well, I think that, you know, it's a long history. I think the one speaker, Megan, actually stated the facts pretty well. It was an urban renewal plan that was done. The urban renewal plan replayed development, so did city zoning, sometimes they were in conflict, and so the city chose to do an nccd like we had done on 11th street to try to bring zoning into sync with the urban renewal plan. That's what we did. There was the amendments that Megan spoke of that altered the accessibility altered the compatibility after the plan was adopted and this is an attempt to try to lessen this.

>> Houston: Thank you. I would say write that wrong, but lessen it would be appropriate. So I'm asking that -- well, I can't ask yet.

>> Mayor Adler: You can say what you're going to do. Say what you intend to do.

>> Houston: I'm going to make a motion to limit the height on the new subdistrict 2a to 35 feet throughout that subdistrict, and then on the other ordinance, I'm going to just remove the setbacks that -- just on the -- hold on just a minute. In the urban renewal board's recommendation, exhibit "A," we're just going to -- no changes to tract 16, no changes to tract nccd tract 17. I have the sheets to hand out. It's just to say that they all -- everything stays at 35 feet, the setbacks remain the same, the floor to area ratio stays the same, and the compatibility stays the same. That's all I'm doing.

>> Mayor Adler: You'd just be reducing the height.

>> Houston: That's all we're trying -- that's all the neighborhoods are trying to do is reduce the height.

[8:57:42 PM]

>> Renteria: Mayor? >> Mayor Adler: Mr. Renteria

>> Renteria: I would like to ask a question. Councilmember Houston, on the mission possible do you think the neighborhoods are willing to work with people on their property? It seems like they're on a mission to help the neighborhood. Do they have any feelings -- do you have any feelings about what's -- what to work with these -- this group, this non-profit group that's helping the neighborhood?

>> As an officer with ocean but just a member of the Keeling neighborhood, I think any communication or coordination would have to begin with the neighborhoods in which the mission possible property is located. I understand that they have property in Keeling. They also have property on the north side of the street, which is in a different neighborhood. Keeling would definitely want to be a part of the planning process for development on those parcels. Without having a meeting where we can talk about something more concrete about what those would look like, you know, I can't promise support for plans that we haven't seen or programs and assets that we haven't discussed, but, yeah, Keeling, for sure, and the other neighborhoods that are members of ocean I know are always willing to talk with folks who are doing good work, and we recognize that we have all kinds of neighbors. Not all of them are residents. Not all of them are tenants. So --

>> Renteria: Do y'all see mission possible as an asset to your community there in that area, or do they -- because they work with low income children and families.

>> They do. They do. I think it's safe to say that the work mission possible is doing is great for Austin as a whole. It's a little bit unclear that -- what their -- the folks that they're serving are coming from the Keeling neighborhood, specifically. I don't think that that's necessarily true. But we support the presence of non-profits who are providing social services the same way that we support folks who are running independent businesses on 12th street and running historic businesses like the realty store -- excuse me -- the real estate office and the barber shop.

[8:59:49 PM]

We recognize and we want a variety of ownership on those lotus.

>> Renteria: The only reason I'm bringing that up is because, I mean, if -- it seems like, you know, that would be an asset to your community there, and if we could put some conditional use, that they promise they won't go past a certain height, and they'll never sell it off, you know, maybe we could -- I'm agreeing with the 35 feet all the way across, but I'm just trying to see if we can help this non-profit group.

>> Houston: So, councilmember, there's another church, Simpson united methodist church, that is also a national historic structure in our community and one of the anchor congregations and they provide programming and they're not more than 35 feet. So I'm sure that as the programs and the plans get better formed, that we are willing to work with, you know, something that comes along, but at this point I think it's -- they have a huge piece of property that's pretty much parking lot now except for the two duplexes that they have on the property, and the historic church that is on Chicon street. I think we're willing to work with them, but nobody's seen that document or had that conversation at this point, so it's hard to agree to that.

>> Renteria: Thank you.

>> Mayor Adler: Any other comment on the dais?

>> Mayor, could I say one more thing, please? Our property that we are planning on developing backs up to our church, which doesn't back up to any of the houses. There's a small portion of it that does.

>> Mayor Adler: Okay.

>> But all of the property that we own backs right up to our church. And then there's the alley and the church building is there. There are no homes to the south of us.

>> Mayor Adler: Thank you. Comments on the dais? Mr. Flannigan?

>> Flannigan: I really struggle with this one.

[9:01:51 PM]

And I've tried to be pretty consistent through the course of the year, that these types of zoning changes, to be considered when we are looking at the whole city, under codenext, so this one's hard for me because I can understand the desire to go and make the change now, and I understand the long process the neighborhood has been going through. I don't fully understand the challenges they've had, as you've laid them out, but I'm not -- that's not in informing my decision. I had the opportunity to meet with some neighbors on 12th and the street behind 12th, and I told them the same thing, that I'm not in favor of making the change today because if I'm going to talk about the appropriateness of heights and setbacks in relation to existing neighborhoods, then I want to be making that decision when we're doing the whole city, so that there's a -- an understanding of how every neighborhood is going to handle

economic development and how every neighborhood is going to support, you know, these types of developments. If 35 feet is appropriate for the folks along 12th street, then maybe it should be appropriate in a lot more places than it's allowed now across the whole city. That's the conversation I would prefer to have. So that's just where I'm at today.

>> Houston: And thank you for those comments, but as Mr. Rusthoven said, this is only on two streets on the whole city so I don't know how codenext would inform a conversation about two streets in east Austin that are already struggling trying to maintain a foothold in the community. So that's the difference, I think. If this was something that was all over, then I would say, yeah, let's talk about it in the broadest perspective. But we're only talking about one street, actually, which is east 12th street.

[9:03:53 PM]

No other street other than 11th street has these compatibility issues.

>> Flannigan: And I think -- I think we just may have a different perspective on how we're looking at codenext. I think, you know, we are going to be parcel by parcel, looking at the city, and so I would hope that we're taking those connects decisions -- context thoughts into the decisions we're making across the whole city. What I expressed to the folks that met with me from the area that I'm saying now is -- if 35 feet, if zero-foot setbacks, if those types of things are appropriate, and Keeling neighborhood and people from ocean support that type of development, maybe parts of town that don't allow that, should. But if I undo it now, I feel I lose the ability to have that conversation broadly. That's just where I'm add today.

>> Mayor Adler: Further discussion on the dais? Mr. Casar?

>> Casar: I'm going to support councilmember Houston's motion once, I guess, she makes it. And actually, for some reason similar to what councilmember Flannigan said, but with a different vote, I guess. We're not in the '90s anymore. I think there's just -- we need to be taking a different view of the city, and we probably should have done something like this a while back because the fact of the matter is, I don't think that, you know, significant upzoning on the east side for urban renewal makes -- it doesn't make sense to leave things like that, in place, and what we should be working on is looking at the whole city and figuring out how we distribute entitlements and development pressure appropriately in the city. I do think, as you mentioned, councilmember Flannigan, that it makes sense to look at this and everywhere else in the city when we're looking at codenext and potentially look at how we can still get affordable housing bonus programs inside of, nccd's like this one, but that's another conversation for another day.

[9:05:58 PM]

I think this is probably something that should have been done five years ago, so I feel like I'm comfortable voting for it now, and if mission possible comes back with a plan, I'm sure they can work with the neighborhood and with us on addressing any changes to this zoning that they need, and if there's opportunities for community benefits or affordable housing, I think that we could address those not just case by case, but we should be looking inside of nccds during codenext to figure out if we can fit those affordable housing bonuses in. Once the 50 feet is already there, it's hard to do and affordable housing bonus on top of that, so I think we could be doing it at soft baseline main street entitlement, which my understanding is somewhere between 30 and 40 feet.

>> Mayor Adler: I'm supportive of Ms. Houston's resolution here. In my mind, this is -- almost seems similar to the debate we had about the cure zoning, where there was something that was done in an area that was done at a different time, in a different area for a different purpose that was no longer -- that was no longer appropriate. We don't need urban renewal the way we needed urban renewal before in this area, and I think the base zoning in this area should -- should reflect that. And, you know, if there is to be an increased height or density in an area where that's not, you know, necessarily the appropriate zoning, then I'd like to see it get tied to density bonuses or height bonuses that are related to providing additional affordability into the city where we could get people in those communities that could be able to be there indefinitely. I don't know if we're voting on this on all three readings tonight or if it's just the first two, but I support this -- you know, making -- going down to the 35 feet as the base zoning, with an understanding that at some point as part of the process, we could believed in affordability, I'd like to consider that the same way we set that up in cure, or if the property owners with the mission possible had a plan that they wanted to come back with, that, you know, we would consider that as well.

[9:08:28 PM]

But I agree with you and the neighbors that this is not the appropriate base zoning here. Councilmember alter.

>> Alter: I had a question for Jerry or Greg. Can you remind us, what would the impact be if a developer filed a site plan under the current entitlements while we have the codenext conversation going around the entire city?

>> Councilmember alter, at this time there is -- we're not proposing to change the nccd with codenext, so even if codenext were adopted, the existing nccd would stay in place.

>> Alter: Okay. Thank you. And these compatibility waivers are really just on these two streets?

>> Yes.

>> Alter: Two blocks?

>> An nccd allows you to keep your base zoning but also allows you to make modifications to the regulations and the uses in the base zoning. So in this case, we still have underlying, you know, gr-cs kind of standard zoning, but there's modifications to the code. One of those modifications is to compatibility.

>> Alter: So under these circumstances I'm comfortable moving forward even with codenext coming forward. I did want to mention to mission possible that in our housing and planning committee, councilmember Casar and I have been talking, and the committee, about things that we can do the make it easier for non-profits whoever trying tryingto build affordable housing and we'll be working on various measures that would facilitate that process, should you come back for a zoning change to allow you to take more advantage of that property.

>> Houston: So, mayor, I'd like to make a motion.

>> Mayor Adler: Go ahead.

>> Houston: If that's -- on the urban renewal ordinance number, item version 2, on the exhibit, figure 4-24, where it says allowable heights, 35-foot maximum height building from Leona street to Chicon, then the rest of that stays the same, the compatibility stays the same, the setbacks stay the same, and the impervious cover stays the same.

[9:11:00 PM]

>> [Off mic]

>> Houston: Comal. What did I say? Comal, I'm sorry. It says comal.

>> Mayor Adler: So here your amendment is intended to keep the nccd except remove the height -- lower the height from 50 to 350 feet.

>> Houston: 35 feet. Everything else is the same.

>> Mayor Adler: In those tracts 16 and 17.

>> Pool: I'll second.

>> Mayor Adler: Second to that motion, councilmember pool.

>> I was just going to say two things. I understand this is the urban renewal plan so this is the item 95, the urban renewal plan item, and second, am I also understanding you're closing the public hearing?

>> Mayor Adler: Yes, is there a motion to close the public hearing?

>> Houston: Close the public hearing.

>> Mayor Adler: Ms. Houston makes the motion -- we're going to close the public hearing first. Ms. Houston moves to close it, Ms. Pool seconds it. Any objection? Public hearing is closed.

>> Is that both for 4 and 95?

>> Mayor Adler: 94 and 95.

>> Okay. Now we're back to 95, urban renewal plan amendment?

>> Mayor Adler: Correct.

>> Houston: Correct.

>> Mayor Adler: Now, Ms. Houston made an amendment. Did you understand that to be --

>> To go all the way from poquito to comal.

>> Houston: No, no, from comal to Chicon.

>> Comal to Chicon. Okay.

>> Mayor Adler: Comal to Chicon, from 12th, those two lots, those two blocks, 16 and 17.

>> [Off mic]

>> Houston: No, that's wrong. That's wrong. It's comal -- it's from comal to Chicon. These are all wrong. That's why they're scratched out. So don't look at that.

>> Mayor Adler: Don't look at these.

>> Houston: Don't look at these. They're scratched out.

>> Mayor Adler: Okay. Does that amendment effectively do what it was Ms. Houston has described?

[9:13:01 PM]

>> Yeah. You can look at this map -- I've circled comal.

>> Mayor Adler: Okay.

>> And you can see 16 and 17, so between those two.

>> Houston: Good. When I said Leona, I thought, that's not right. Okay? Can we vote on that one?

>> Mayor Adler: Okay. So the motion has been moved and seconded to amend the nccd plan to go from 50 feet to 35 feet between Chicon and comal, which is those portion -- blocks 16 and 17.

>> And the urban renewal plan --

>> Houston: We can take that separately.

>> You introduced the urban renewal plan first, then you just smoke, mayor, of the nccd.

>> Houston: So we're on the urban renewal plan now.

>> Mayor Adler: Got it. To amend the urban renewal plan.

>> Houston: Uh-huh.

>> Mayor Adler: As we described. It's been moved and seconded. Is there any further discussion? Let's take a vote. Those in favor, raise your hand. Those opposed? It's unanimous on the dais. I'm sorry -- yeah, Mr. Flannigan votes no, others voting aye. That passes. Thank you.

>> Houston: So now, mayor, I have another motion.

>> Mayor Adler: Okay.

>> Houston: Not neighborhood conservation combining the height in subdistrict 2 will go to 35 feet. Period.

>> Mayor Adler: That's the change.

>> Houston: The nccd.

>> Mayor Adler: This is the amendment to the nccd. I'm sorry, what? Council?

>> So the ordinance that we have, which reflects the planning commission recommendation for the nccd -- correct? I just -- when you're saying that, basically, we -- it created a subdistrict 2a, and you said 2, so the new subdistrict 2a will go to 35 feet.

[9:15:07 PM]

Not subdistrict 2, but subdistrict 2a.

>> Houston: Okay.

>> Because subdistrict 2 is a larger group, is a larger area, and we're not changing that height.

>> And you can refer to the map behind you which shows that. The 16 and 17 --

>> Mayor Adler: 16 and 17 is 2a, and we are taking 2a to 35 feet.

>> Houston: 35 feet.

>> Yes.

>> Mayor Adler: Otherwise, the nccd remains the same.

>> Yes.

>> Mayor Adler: That's the motion. Is there a second to that motion? Ms. Pool seconds that. Any further discussion? Ms. Houston.

>> Houston: All three readings.

>> Mayor Adler: All three readings, as with the other. Councilmember alter.

>> Alter: I just want to ask for clarification. So the ordinance, though, that we have as the draft has a whole lot of other things besides the height, so we are limiting it to just --

>> No, actually, because we did a planning commission recommendation and we identified those 16 and 17 as 2a, we had -- we needed to make sure that 2a carried forward all of the other -- all the other site development regulations, so those changes are just to make sure that the new 2a carries forward all of the other site development regulations that subdistrict 2 had before.

>> Alter: Thank you.

>> Houston: So would you explain to me on page 3 the height, D, where it says subdistrict 2a is 50 feet, except for the rear set back? We need to change that to 35?

>> Yes. And that is what your motion sheet does.

>> Houston: Okay. Thank you.

>> Mayor Adler: And that one we can use. So the motion sheet is on 2a, to just make it 35 feet, deleting the additional language that had come from the planning commission. It's been moved and seconded. Any further discussion in all three readings, all in favor, raise your hand. Those opposed? Mr. Flannigan voting no, others voting aye, passes as well.

[9:17:08 PM]

[Cheers and applause]

>> Houston: Mayor, if I may have a point of personal privilege.

>> Mayor Adler: You may.

>> Houston: This community has come together and been working together for so many years to try to get this change, I really appreciate all the work you've done, your stick-to-it-ness, your pleasantness as you've done this. Some people have been very dictatorial, but I'm not going to call their names. But thank you so much for all you've done for our community. People won't realize now what impact this will have on future generations because there will still be a part of east 12th street still available, because you all are there. Thank you.

[Applause]

>> Mayor Adler: All right, council. We've taken care of 94 and 95. Let's deal with the --

>> 50?

>> Mayor Adler: I'm looking -- I think we can take care of aid fairly quickly and then let some staff go. What about item number 87? Is staff here for 87? You want to lay that out for us?

>> Good evening, mayor. I'm city environmental officer. Tonight before you is an amendment to the interlocal agreement between the Austin independent school district and the city. This is a follow-up to the agreement that you approved back in June, that restricted the development on the Travis country property in west Austin, and took the impervious cover off of that property and made it available for transfer to bowie high school for redevelopment. As you may remember, they will not need a large portion of that for redevelopment at bowie, so you asked us to come back with a subsequent amendment that would allow them to use that at other campuses for redevelopment in the Barton springs zone.

[9:19:25 PM]

So that's what we've got for you tonight. I think we've got fairly broad -- or very broad support for the proposal. And just the key points of it is that in the current land development standards agreement with aid, they are limited to 25% impervious cover in the Barton springs zone for campuses where they put in a non-degradation sos style water quality treatment system. This agreement is consistent with that. The only difference is, they'd still be limit to 25% impervious cover at campuses that they redevelop, but they can transfer impervious cover to meet that 25% impervious cover limit, and they will still do sos water quality treatment. But on these campuses which are fairly space-limited, they will do as much as they possibly can on site, but they would be allowed to do additional water quality treatment at other properties off site to meet their sos water quality requirements. It also provides for -- if you'll remember, there's a property adjacent to bowie high school that was privately owned. It's been jointly used by the district. It's got some existing development on it. The plan is, the owner of that property has transferred it to the district and has a life estate to live there for the rest of her life. They are likely to

redevelop bowie before they can remove the development off of that property. At that time, that -- their plan was to remove that impervious cover so they didn't have to transfer so much from the bowie campus. At the time that they do remove that, from the akin tract, the impervious cover, they can put it back into the Travis county impervious cover bucket to be used at other campuses. And those are the key points of the agreement. During the discussions that we've been having over the last several months with aid, we've had folks from sos save barn creek and Sierra club and the Travis county neighborhood association involved in the discussions.

[9:21:30 PM]

My understanding from all those parties is that they're comfortable with this agreement. I think there was one suggestion from sos that I believe mayor pro tem tovo has a small amendment. Aisd and the city are comfortable with that amendment, and we think it doesn't -- it doesn't really change the agreement but adds a little bit of surety that sos was interested in getting into the agreement. With that, I can answer any questions or we can take public comment.

>> Mayor Adler: Mayor pro tem, you want to make a motion?

>> Tovo: Sure. I'll move approval with the amendment that I'm going to read into the record, and I believe -- do you want me to do that before the public speakers?

>> Mayor Adler: Why don't you do that.

>> Tovo: Okay. So you all have motion sheets -- I mean amendment sheets that I passed out earlier, and so it would be article -- article 1-2-f-7 would add the language that I'm going to read aloud, under 7, where it talks about impervious cover removed from the akin tract, would -- the additional language would say: After the effective date of this fourth amendment, and which has not already been credited, just to -- just to make it really clear that the impervious cover can be counted only once.

>> Mayor Adler: Okay. There's been a motion to adopt the recommendation as per backup with the additional amendment in paragraph number 7, as the mayor pro tem just read. Is there a second to that motion?

>> Troxclair: I'll second.

>> Mayor Adler: Councilmember troxclair seconds that. Any further discussion? We have some people that have been signed up. Do you want to speak before this gets approved? Okay. I think everyone was in favor of it that signed up. Moved and seconded. All those in favor, please raise your hands. Those opposed? It's unanimous. Mayor pro tem.

>> Tovo: I want to thank all the parties involved in this discussion and to reiterate my hope you will have discussions surrounding portable building use.

[9:23:36 PM]

I think we talked about that a few times in our conversations around this issue and I would love to sort of follow up on where the -- where those discussions landed. But, again, thanks to everyone who was involved.

>> Mayor Adler: Okay. Thank you. All right. Let's call up the next item. He let's see if we can do the lobby ordinance, item number 50. This was pulled by speakers. Do we want to hear from the speakers first on this, or does somebody on the dais want to start us off? Speakers? All right. Let's go to speakers. Gus peña. Michael Whelan. Steve Shannon is on deck. And then David king.

>> Thank you. I'm Michael Whelan on behalf of Texas disposal systems. I wanted to kind of remind folks where we were and where we're going. We were promised that the anti-lobbying ordinance would be suspended for waste related solicitations in order to allow all the stakeholders to participate, and frankly, we trusted this commitment. This was a commitment that was made when the city council working group was established.

[9:25:37 PM]

I would -- I would note also that sinagrow wanted to have the ordinance way back in the fall of 2016. The council on two occasions has waived the Alo in conclusion with waste related contract solicitations. One of those occasions was in December of 2016, in order to cure any questions related to whether sinagrow had violated the Alo. Although tds back in 2016 had filed a complaint based on sinagrow's communications with city officials and employees, that was done to demonstrate the inconsistent application of the current Alo and the problems with the current Alo. Tds had no objection to the December 15th ordinance that protected sinagrow by waiving the Alo at that time. It seems ironic that we're talking about now applying the old Alo after we've forgiven and basically dismissed a complaint in that regard. I would also note that when the working group was established, they published a document that has eight working group recommendations. Only one of the eight working group recommendations has even been initiated, and that is a discussion about the anti-lobbying ordinance. Everyone should have the ability, in my opinion, to participate, as promised, in the working group policy discussions. Noteworthy, the biosolid solicitation has no local business presence factor, which was one of the things that everybody unanimously thought should be addressed and considered. Doesn't even take it up. So, again, we're back to a solicitation, making policy despite the fact that you're -- at least four councilmembers concurred in the working group that local business presence should be modified. I would also note that the position by some that a solicitation without an Alo is somehow unfair, or

without integrity, is completely undermined by the American bar association model rules, which many have touted as the direction the city should be going.

[9:27:44 PM]

Those model rules do not have anything, they have nothing like this no-contact period. When you read the rules, the model aba rules that have ethical standards, it's all about public servants' ethical standards. There's nothing in here at all about what vendors are supposed to do. So we're ready to do the aba model rules. I don't think you are. In fact, tds is not opposed to creating a no contact period --

[buzzer sounds]

-- And I would just end by pointing out that there's an opportunity here to allow the biosolids to go forward without an Alo and allow everybody to participate in the working group process. Thank y'all very much.

>> Mayor Adler: Thank you. Next speaker is Steve Shannon. David king is on deck, and then Donna Schaefer.

>> Long day. Good evening. My name is Steve Shannon, representing waste connections. As I expressed to you before, we want a fair and level playing field. There was an Alo put in place years ago for a reason. It's been suspended for various reasons, but there's an opportunity here to reinstate it for this particular solicitation. We want a fair and level playing field. We want bids to stand on their own merit and not be influenced by lobbying. It's our perception, having been a participant in all of these things, that the solid waste focus group generally wants an aol, that the ethics commission wants an aol, that

[indiscernible] is in favor of an aol, and it's our perception that the majority of the stakeholders that have been involved in this that are actually potential service providers are in favor of an aol, save one. There has -- you've heard an assertion through some memos that you received that the aol is currently written, if a potential vendor is found to be in violation, that their only course of appeal is back to the purchasing department, which found them in violation, or, to go to court, and that that would knock out potentially small vendors.

[9:30:03 PM]

Two points I'd like to make about that. One is, I think that given the attention that this matter has had recently and now, I think it would be very unlikely that the purchasing department would make a frivolous accusation of a violation of the anti-lobbying ordinance. Very unlikely. The second thing is,

there are no mom and pop biosolid management companies. This is a massive project and anybody that has the wherewithal to be a viable candidate for a vendor on this project certainly has the wherewithal to go to court if that's what they feel like they need to do. This particular amendment, the way it's presented, also addresses another concern that some people have expressed, that the problem with the existing Alo is that we can't come -- a potential vendor can't come to the city and talk about some other solid waste matter. This amendment clearly allows that to happen as long as they don't come and talk about the biosolids project. So it addresses a lot of the issues that have been brought up and that have been prohibitive. If an Alo is in place, we may bid. I can't stand here and say that we will, but we're interested. If the Alo is not in place, our propensity to bid is greatly diminished. Not having an Alo in place is definitely having a chilling effect on competitive bidding. We would rather that the Alo kick in at the time that the solicitation is issued rather than being at the time that the bids are due, but --

[buzzer sounds]

-- Any Alo is better than none. We support item 50 and hope that you will.

>> Mayor Adler: Thank you.

>> Any questions?

>> Mayor Adler: Thank you. Next speaker is Steve -- I'm sorry -- David King. And then Donna Schaefer is on deck. Sorry, Mr. King.

>> Thank you, mayor pro tem -- mayor, I'm sorry -- it's a little late.

>> Mayor Adler: That's okay. I called you by the wrong name too.

[9:32:03 PM]

>> Sorry. Mayor, mayor pro tem, and councilmembers. You know, I agree with the comments of the last speaker, and, you know, I think public perception is really important here. As a person who's not really into the weeds in this particular issue here, it concerns me that the anti-lobbying ordinance was just wiped away for this particular contract. In the public, when I hear that, that worries me. And then when I hear, well, you know, maybe it's not a big deal, and here I am appointed to the zoning and planning commission, subject to the aol, and I get my email saying no contact on these contracts. I take it serious. But when I hear, well, in this case, let's just wipe this out, how serious really are we about public trust in these multi-million-dollar contracts, that they are aboveboard, and there's no lobbying going on behind the scenes? This is important, and that's -- what's not to like about this resolution that's before us, this ordinance? It covers the free speech concern. It handles that. It addresses that. We all support free speech. And it also puts into place protections that is of important public interest to us. And it does not stop the work group whatsoever. They can still talk about everything they plan to talk about including

the anti-lobbying ordinance. So I think in a matter of public service and public perception and public trust, that this is a slam dunk. You should pass this with really no -- your debate that you need to have, but you should really pass this. So I hope that you will, and, you know, send the message that this is important to you, and to your appointees, to these boards and commissions, too. Thank you.

>> Mayor Adler: Thank you. Yes.

[9:34:04 PM]

Councilmember pool?

>> Pool: Could I just respond to Mr. King? Some of the things that you were talking about, I just wanted to clarify for you. The working group that took up the waste management policy issues, I chaired it, and there were four councilmembers on it, and we convened all the stakeholders that are in the waste hauling business here in Austin. And one of the concerns was, in other words to have a free and open conversation about it, we needed to suspend the anti-lobbying ordinance only for the resource -- Austin resource recovery contracts and only for the amount of time that was needed to work through all of the sticky issues that were confronting people and causing issues because we had had a series of about half a dozen contracts over the last year that we had had to slow down or postpone or halt because we couldn't get past these sticky issues. So the whole idea about having the working group was to try to take all that information and then have some resolution to that. So the no-contact period ordinance was suspended only for those contracts that come under Austin resource recovery, so it's not all of them. The changes, of course, when we do finalize them, and we're really, really close, will apply throughout, for everybody who is affected by them, and that is why the staff had asked for additional time so they could go back out to the other vendors who are not Austin resource recovery. My concern about this item is that it's actually slowing it down. Because we are so close, and there's really a lot of work going on behind the scenes that you can't see, but it's the staff level. They're working with the stakeholders to work through the additional concerns that were itemized and they assure me they are down the like one issue that is still in contention, and that I trust we will get over that hump.

[9:36:04 PM]

We have one contract that is at issue here. That's it. And I'm looking at a list of other contracts that are potential, and they're further out, and if we can get through that one issue with all the stakeholders in agreement, then we will have really made significant progress on an issue that has long plagued these contracts in this department. And so I recognize the concern that you're raising, and I realize that some of the press reports make it look like there's something untoward going on, but that isn't actually what's

happening. And so I wanted -- mayor, I just wanted to take -- thank you for giving me that point of personal privilege to kind of expand on that, since I had led on the initiative, and I just -- it matters to me that the public perception of this is accurately conveyed. So thank you for giving me the opportunity to kind of respond to you. Thank you.

>> Mayor Adler: Donna Schaefer. Bob Gregory. Is Adam Gregory here? Okay. You'll have five minutes, before Gregory. Andrew Dobbs will be on deck. You'll have five minutes. You'll be on deck. Mr. Gregory.

>> Thank you, council, thank you, mayor for the opportunity to speak to you on this issue. I would like to ask you to please vote no. I am handing out a handout -- I traditionally do that. It has a summary of my comments with the ordinance that's before you tonight that you can look at it, and I've highlighted areas and numbered them 1 through 5. I'd like to point those out, please. The -- this is much too soon to come back, to restrict this contract. As Michael said, we were told that the -- not only would the Alo be finished before it was reinstated back on these bids, but also the policy issues would be discussed.

[9:38:13 PM]

And only one of eight policy issues, which is this one, has come before you. There's much to do. And I'll talk about one of those other policy issues in just a minute. The ordinance says -- it predicates it on staff -- city staff's proposed recommended revisions to the anti-lobbying organs. As you know, we've worked very, very hard to get those provisions and thought they were going to be dealt with today, but they were withdrawn by the staff. Tds has worked very, very hard. Our entire team has worked very hard. It's been represented to you that we are a company that does that want an Alo. If it's a legal Alo and it allows the proper allowance following.-%-@is amended to add the following.,, you're going to see when you turn the page, it doesn't include number 12.

[9:41:05 PM]

What it says, the suspension of Alo is only waived with respect to -- and it gives the biosolids rfp number. It talks about it, identifies the delayed implementation, which is not when it's issued, but when bids are submitted, and it says that the debarment will not apply. There's nothing in there that says that the -- that we could do and talk about things other than our solicitation. So I suggest that the staff is being disingenuous with you on this representation because we've already identified many, many areas where we cannot abide and we cannot bid with those restrictions, and the staff has already disqualified us before, when we -- and it was overturned. We weren't even qualified to be disqualified. The next two pages, you'll see the recommendation from the waste management policy working group. The existing Alo should remain suspended until council approves proposed revisions. We've not approved those

proposed revisions. The zero waste advisory commission recommendation, continue to keep the Alo ordinance in a suspended state until such time that both the final Alo --

[buzzer sounds]

-- And subsequent governing rules are drafted and adopted by council. Is that six? Thank you very much. I'll be happy to answer any questions if anyone has any.

>> Thank you. I'm Andrew, Texas campaign for the environment.

>> Mayor Adler: You have five minutes.

>> Liquor stores, professional soccer, sewage sludge, such is the business of city council. Thank you for your service. It's been a long day. I wanted to kind of set the stage here and remind us how we got to this point, which is that it all started with an attempt by staff to do an end run on your policy-making authority.

[9:43:07 PM]

This was -- there was a proposal to privatize a city service, which we now in retrospect, after having looked at it, it's something that should be privatized, but it was not brought to the commissions, not brought to y'all, not brought to city group -- citizens groups or anything else, it was just put out there. And then when the contract came out, it was unclear exactly what kind of the changes they were going to make. And they were going to the press and saying that land application and sewage sludge was a zero waste strategy, which is also a major departure from city policy, never brought to you, or city commissions, never brought to us. And we were put in a position where we were afraid that staff was going to be unilaterally changing city policy through the contracting process. We kicked up a storm, and that's how we've ended up here now. The problem with the current Alo is that it presents ample opportunities for staff to manipulate the procurement process to set process and abuse people who have engaged in the process to that point. I've sat in this very room and watched a department head in a city commission meeting tell a vendor that they were not allowed to speak to the zero waste advisory commission and that the volunteer waste advisory commission was not allowed to ask them questions because the Alo is in place. That's a direct contradiction of the Alo's actual text. But if he decided to say the law says otherwise, I'm going to stand on principle here and speak, the staff could have unilaterally and anonymously found him in violation of this ordinance, and the only recourse he would have had after that is to go back to that same staff as an appeal. Then he might have been able to file a lawsuit, but by the time the lawsuit works through the thing, that contract is long gone. Right? And for a smaller business like that one, which is something of a mom and pop, and that was a \$20 million contract also, \$21 million contract, for that kind of operation, that would have been the end of their business. That's a threat this ordinance can pose to vendors under certain circumstances.

[9:45:10 PM]

The good news is, we are really close to fixing those problems through the process that's been joined. The bad news is that even with the changes that are presented to you in item 50 today -- and I thank councilmember alter for her leadership on this -- they still do not get at those fundamental problems. They don't get to the basic ambiguity of this thing, they don't get to the lack of effective appeals process, there's a lot of other issues as well. We cannot allow that abuse to be posed here. You know, the council working group has said, let's leave the Alo off until we're finished. Swack has asked you to leave this off until we're finished. I would ask you not go back on those advisory boards and bodies' advice to you tonight on this item. We need a competitive process here. The best chance we have for competition on this is to not have an ordinance that's been identified as the very driver of the lack of competitive processes in the past. Essentially I'm asking you, and I've said this before and I'll say it again, to not do the same thing again and expect a different result. You know, right now, two last things I want to say. One is, just because there's not an Alo doesn't mean you have to be lobbied. I think that councilmember Renteria has brought this up before you can tell -- I would urge you that if you do vote against item 50, and I hope that you will, that you also make a statement from the dais tonight that you're not going to be lobbied on this and make it clear to all the parties involved that you're not going to take -- that you're not going to take their appointments on that and that don't you want to be bothered about it. I think if you do that, that will take a step forward in the right direction. The last thing I'll say, this is actually one of those times when a contract is getting urgent. I don't believe that we have time to continue delaying the biosolids contract. It is getting to the point if we delay it much further, we're going to run out of the contract that we have now and we're going to start land applying 100% of our biosolids, which is not an acceptable solution environmentally or for the public good. Oftentimes staff will tell you that things -- when they don't want to do something, it's going to take six months or nine months, when they want to do something, it's an emergency and you've got to do it tonight. This is a time I believe the public interest isn't taking action now. We're about to close this process.

[9:47:10 PM]

We're very close to finishing this. We're very close to having a lot of these core problems solved. I'd ask that you not take a step forward by voting for item 50. I'm happy to answer any questions. Thank you.

>> Mayor Adler: Miguel Meade. Last speaker. Two more items after this one, town hall. Council.

>> I'm with Husch Blackwell. I appreciate you all link to us, so late in the evening. It's amazing to me, we're in a city whose citizens place such tremendous value on transparency and openness and restrictions on lobbying, we are having -- spending your valuable time having this discussion. We

applaud the council for bringing item 50 forward. We think it's needed and it's important, but I have to tell you, we are at a point with this biosolids debacle that, honestly, we don't, frankly, think that applying or not applying item 50 -- the Alo per item 50 will make much of a difference. We think solicitations that a city as professional as the city of Austin does need lobbying restrictions. The past year has been a perfect example of this. It's been so much shameless lobbying and self-promotion by lots of different persons that it ought to be a good example to the council of why we need these restrictions in place. We do not have a competition problem. If you all looked back at the biosolids solicitation that went forward before with an anti-lobbying ordinance more restrictive than what is proposed tonight, there were five teams that submitted proposals in response to that solicitation. The chilling effect on competition is when there are none of these restrictions in place, and it's a lobbying free-for-all. And the industry believes that if they don't have somebody lobbying on their behalf, they don't stand a chance.

[9:49:16 PM]

There is just -- we are working hand in hand with Texas disposal systems and others to try to move the anti-lobbying ordinance forward with changes that everybody can live with, and I am one of a few, a handful of participants involved in that process, and I'm here to tell you, nothing about item 50 would slow down anything that we're doing with regard to making the necessary or desired amendments on the larger anti-lobbying ordinance. So we just -- you know, I would make one recommendation to the council. I feel like there's maybe a little bit of paranoia about being charged with lobbying restrictions. We've been victims of that. But I feel like the items that are in the proposed item 50 really deal with that, and protect against those kinds of violations. And one thing that I would suggest to the council that you maybe add is go forward with item 50, but add a -- an appeal of any disqualification or any claim of an allegation against a vendor, add an appeal to council in that case. I actually don't think you need to add an appeal because, obviously, council can always take an action if a violation is claimed --

[buzzer sounds]

-- But I feel like doing that would really set aside any concerns or fears that anybody may have that they may be subject to an erroneous claim.

>> Mayor Adler: Thank you. Those are all the speakers. Back up to the dais. Ms. Kitchen.

>> Kitchen: I just wanted to explain again why I'm opposing item 50. This is not about whether or not we want an anti-lobbying ordinance. We do. I do. I was on the -- the policy working group and participated in the recommendations about having an Alo, but making the changes to it to make it an effective, fair Alo.

[9:51:21 PM]

I was -- so we have a set of recommendations that came out of that policy working group. We also have a set of recommendations out of the zwak for specific changes to the Alo. We are not finished with that process. Now, I am very hopefully that it will not take six months. Six months seems like an inordinate amount of time to me. But I do not want to -- I just can't -- to my mind, it is not appropriate to set a -- a process in place with recommendations along the way and with working out the language on those recommendations, and then just intercept that process with different or not complete changes, and so I just don't think it's appropriate at this point. I think it's -- I think it creates a lack of trust in our process, but worse than that, it just creates difficulty in coming up with an ordinance that actually carries out the recommendations of two groups so far, not to mention the stakeholders that are working on this. And so I just cannot support item 50, and I really object to any suggestion that that means that I am somehow not in favor of ethics or not in favor of an Alo, because I do strongly believe that we need an Alo, but we've got to get it right.

>> Renteria: Mayor?

>> Mayor Adler: I tell you what, this is councilmember alter's deal. I want to give her a chance to say something, if you want to go.

>> Alter: Yeah, I have a couple of questions for staff.

>> Mayor Adler: Okay. Then we'll come back to you, Mr. Renteria.

>> Renteria: Mayor, I'm not going to be supporting it, either. I'm not afraid to make that commitment that I'm not going to be accepting any lobbyists to try to lobby me on any of this contract.

[9:53:29 PM]

>> Mayor Adler: You ready to go? Ms. Houston?

>> Houston: I have a question for Mr. Scarborough.

>> Mayor and councilmembers, James Scarborough --

>> Houston: Thank you so much for staying so late. I have a question about the -- seems like there's some allegations that you guys have treated people unfairly. Have there ever been any disbarment -- you've only been here for, what, three years now?

>> Coming up on three years.

>> Houston: Do you remember that we've ever disbarred anybody or --

>> I never disbarred anybody from the city of Austin.

>> Houston: Okay.

>> In fact, I've never disbarred anybody in my career. It's a very rare activity. But it is -- it is something that is recognized in our profession and established fairly broadly across the country. But it is a very rare activity.

>> Houston: Okay. I just didn't know how often. It seems like there's some fear that you all will be doing that, but -- okay.

>> Alter: I wanted to ask a few questions, and then I know that councilmember Casar has an amendment. I, first of all, wanted to clarify something and make sure that it's on the record. When I spoke with you, Mr. Scarborough, about this, I was very concerned that we would write and draft this ordinance in such a way that any bidders on the biosolids solicitation would be able to participate in any further discussions that the working group had. I -- number 12 under part 1 says this action will not prevent any respondents or potential respondents to the biosolids solicitation from communicating with any city employee or official regarding any matter that is not related to that party's response to the biosolids solicitation.

[9:55:30 PM]

Mr. Gregory implied that he did not see that as addressing that. Can you speak to what you you think the draft ordinance says in your interpretation?

>> Yeah. My interpretation is that there would be no restrictions on communication with regard to anti-lobbying as it pertains to participants in the biosolids solicitation. I've consulted with my colleagues at law and have been reassured that there's no omissions in the language that would -- that would cause this concern. I'm not concerned.

>> Alter: Did you have any additions to that?

>> Thank you, councilmember. I'm Chris, city attorney. What the proposed ordinance does is implement the current anti-lobbying ordinance, the current ordinance only restricts communications that are related to a response to a solicitation, so item 12 does recognize that that is the current implementation of the anti-lobbying ordinance. There would be no further amendment to the anti-lobbying ordinance or modification to the waiver that would be necessary in order for that to be effective. That is the current state. So --

>> Alter: Thank you. Then I had a question I think for Mr. Slusher about the biosolids contract. So I just wanted to make sure that everyone understands that the biosolids contract is already on the street. They have already gotten the solicitation, which clarifies what needs to come back. Can you tell us probably sort of what's changed in that from the former contract and, you know, the most relevant parts of that, for us to know about what's in that solicitation request?

>> I might want to yield to our director on that, but we've put it --

>> Alter: If I asked the wrong person, I'm sorry.

>> That's all right, I appreciate you calling me up. Darrell Slusher with Austin water. But one thing we've done is we've altered what went out there slightly based on the comments, and we also have a section in there where we can allow -- allow something -- if there's technology beyond the -- that we don't know about right now, that we can -- people can propose on that as well.

[9:57:43 PM]

You want to --

>> Alter: I'm sorry, I didn't recognize you.

>> Councilmember, Greg

[indiscernible], with Austin water. Could you restate your question again?

>> Alter: I just wanted to -- one of the assertions that was made was that under the old solicitation, we were not following our policy. And it's my understanding there were changes made in this solicitation to what we were asking for with respect to how you dispose of the biosolids that would be more in line with our policy, so I wanted to have a a little bit more detail on that.

>> Well, after our initial procurement, there was a lot of activity, a working group was formed between two commissions, zero waste commission and the water commission. That working group made a series of recommendations to modifications to our next procurement. That was also reviewed and ultimately endorsed by the council's working group that was formed. And we configured the new solicitation out on the street to comport to the biosolids, so essentially readopted the working committee's recommendations, both at the commission level and council level, and configured a solicitation to meet those.

>> Alter: So to date, since the solicitation has been on the street, there's been no anti-lobbying ordinance, so folks are free to talk to folks. Have you heard any complaints about the nature of what -- the way it is written with respect to policy from zwak or any vendors at this point?

>> Have I heard any complaints?

>> Not directly. We haven't taken the solicitation awards through -- obviously it's still an active solicitation.

>> Alter: Right. I just meant were this any criticisms of how it was structured, that it would not potentially deliver a good contract at the end?

>> I can't speak for each -- we did give each commission an opportunity to provide input on the solicitation.

[9:59:51 PM]

Just a brief history there, the zero waste advisory committee, we were scheduled to appear before them about during the time of the Harvey hurricane and several of the staff for Austin resource recovery could not attend. We offered to attend that commission meeting and be the sole subject of discussion for that before we solicited. They ended up ultimately cancelling that meeting. I then sent a memo to each zwac member and asked for comments on our proposed solicitation. I did not receive any comments from them. We also appeared before the water commission and also provided them with a similar memo that they could either in-person or in written form provide us comments on the solicitation. We did not receive comments on the solicitation from them. We also asked for comments from the general public and potential respondents, and during the solicitation process, and we incorporated some feedback we got from that and ultimately, you know, are near the very end of that solicitation.

>> Alter: Okay. And I served on the working group and one of the things that we did recommend was having some of these processes, and so I appreciate that they were followed in the resolicitation. The last thing I want to say before maybe we can recognize Mr. Casar for his amendment is that my goal in bringing forward number 50 is to preserve the integrity, credibility, transparency and fairness procurement processing for the city in general and also for this particular solicitation. Thank you for. . .

>> Mayor Adler: Mr. Casar.

>> Casar: Mayor, I would like to move an amendment to this ordinance and will explain it better after I get a second, but it would be not about biosolids specifically, but more to the bigger issue that folks have talked about here, which is setting a deadline for ourselves on this process and getting an Alo in place.

[10:02:07 PM]

>> Mayor Adler: Let me get the motion.

>> Casar: So I'm making a motion to --

>> Mayor Adler: I don't have a main motion yet. Let me get that. Councilmember alter moves passage of item 50.

>> Alter: Yes.

>> Mayor Adler: Is this a second to that motion? Mr. Flannigan seconds that motion. Now Mr. Casar.

>> Casar: So I would move and then I'll explain an amendment to this item to stop having a waiver to the Alo on any contract in six months, which would ultimately be six months at the latest. And once I get a second, I will explain that.

>> Mayor Adler: Is there a second? Mr. Flannigan. Councilmember alter seconds that. Go ahead and explain.

>> Casar: So I wasn't with y'all for work session, but from work session and from today I think it's really clear that there is a lot of differing opinions about whether or not the Alo or modified Alo should apply to biosolids or not but I think there's agreement amongst people that testified today and folks on the dais that when we waived the Alo for these set of contracts that the hope was to be able to get work done speedily enough that we wouldn't have contracts coming up where we would then have this debate. I think we're in this awkward situation and there's this disagreement because we were hoping, I think, to get the Alo modified in time that we wouldn't wind up in this sort of place and I think that's what people testified to. So I think that this -- what I hope would be is that we can have a vote later, you know, right after this on whether -- on biosolids, but I'm hoping to have a conversation now about whether or not we can just state in this ordinance that we're not going to have a waiver for any contracts on the Alo in 180 days to sort of set a deadline for ourselves and for everybody that's participating because I thought six months ago that we were going to be done and now today we're hearing it's going to take another six months so the hope would be to stop having a waiver to the Alo -- sorry, stop having a waiver for certain contracts for anti-lobbying and 180 days.

[10:04:24 PM]

My hope would be we could take a vote on this and we would get this down don in the next three or four months so any new anti-lobbying ordinance would apply in six and we could take a separate vote on the biosolids issue. I know I didn't lay that out super clearly because we've been through soccer and liquor stores and the like so I'd like to answer y'all's question but I hope this said that us up on a process for some success.

>> Mayor Adler: Okay. While we're in the middle of councilmember alter's motion here, it is now past 10:00. Does anybody want to move we continue past 10:00? Councilmember pool moves -- makes that motion. Is there a second? Mr. Flannigan seconds that. Let's take a vote. Those in favor of going past 10:00, please raise your hand. Those opposed. Ms. Troxclair votes no. Everyone else voting aye. We will go past 10:00. Okay. Mr. Casar moves an amendment to number 3 to make the waiver of the anti-lobbying ordinance only effective for another 180 days. At which point the lobbying ordinance would come back. Councilmember kitchen.

>> Kitchen: Okay. I'm just wanting to understand. So item number 50 -- so your motion is to amend item number 50? Right? Okay. But item number 50 reinstates the anti-lobbying ordinance. For certain purposes.

>> Casar: Can I speak to that?

>> Kitchen: Well, wait. Yes, in just a second. Let me make sure I'm understanding. So item 50 reinstates the anti-lobbying ordinance for certain purposes, but your amendment says it's not reinstated, that it remains waived for six months.

[10:06:27 PM]

Did I understand that correctly?

>> Mayor Adler: Mr. Casar.

>> Casar: So what I would like to do, and the mayor and legal can help me with this procedurally, is regardless of whatever decision we make on biosolids having anti-lobbying or not, that six months from now we just put anti-lobbying back into full effect to set a deadline for ourselves. So the answer to your question is, let -- we should take a vote on whether or not it applies to biosolid or not. So if your -- if what you've stated prevails with the majority, then, yes, it would remain waived for six months, but then go into effect in six months. If the other side prevails, then it would be modified anti-lobbying for biosolids but there's still a waiver for anti-lobbying then on all waste contract still for six months. So the idea is regardless of biosolids, can we agree that we want to shut the door on this six months at the latest?

>> Kitchen: The reason I don't think it's regardless of biosolid is because you're amending on to a main motion that is all about biosolids. So it's not possible to -- it's not possible to vote for your amendment and against the main one because in that case your amendment doesn't apply.

>> Casar: So can I then say -- maybe I've made my amendment poorly. I'm trying to state my intention, and I want to know how I can get us to that intention, which is maybe it's a separate motion and a separate -- I'm just trying to get that part done if that makes sense. Maybe -- what I'm saying is maybe

procedurally it's not working right, but my intention is since we are posted to amend our waiver to anti-lobbying and since I think there's a lot of consensus that we don't want to just continue to have this waived indefinitely because it has felt like a tricky process with it being so open-ended, can we set out what the end of this process is going to look like?

[10:08:34 PM]

>> Mayor Adler: So I'm looking at this. Is this -- we had part three of the filed ordinance says that the ordinance -- the waiver ordinance remains in full force and effect. That was a waiver as to all waste management contracts. So the ordinance in front of us takes that waiver as to all waste management contracts and says it remains in full force and effect. That's one provision of this. Is that right?

>> Casar: That's right.

>> Mayor Adler: Is that right?

>> Casar: So what we would do --

>> Mayor Adler: Wait, wait, wait.

>> Alter: You're asking if 50 does that. 50 as drafted in the backup --

>> Mayor Adler: 50 as drafted.

>> Alter: Does that, yes.

>> Mayor Adler: -- Takes the ordinance waiver as to all waste contracts and says it remains in full force and effect. Another portion of the measure as filed says that, as concerns bio mass contracts, there are certain provisions that are going to apply. So if I understood what you said correctly, your amendment goes to the second one of those. That seems like two different issues to me. So the first one would be to decide if we wanted the waste management contract -- the biosolid contract -- the biosolids to have some provisions now. Ed thatting one question. And the next -- that would be one question. The next question is do we want the Alo waiver to remain in full force as to all waste management contracts or do we want to put a time limit on it? So that the waiver expires in six months, which means hopefully we will have replaced it with something else or we would have accepted no contract. Does that sound right to you?

[10:10:37 PM]

>> I believe councilmember Casar's current motion is to just amend part three, which currently, as posted in backup, draft ordinance said that the waiver from April 6, 2017, remains in full force and effect until modified, repealed by council. Councilmember Casar's current motion is to modify that language to remove "Until further modified by council" and replace it with only until 180 days after the effective date of the ordinance. So his current motion is just to amend part three.

>> Mayor Adler: I understand that part. You would agree that's germane.

>> Yes, I believe it is.

>> Mayor Adler: Okay.

>> Casar: Mayor, I could suggest what we could do to address councilmember kitchen's procedural question, is a vote on whether or not we want to close the door in 180 days and then a vote on whether to strike section 2, which is the biosolids contract. So then we could take simple majority vote on either issue -- on both issues.

>> Mayor Adler: Okay. I'm inclined -- and I learned more -- I'm not in favor of piggybacking some of the lobbying ordinance for the purposes of the biosolids contract. I have some of the same questions I had before and the committee really hasn't come back yet and I don't know what the answers are. So I would like to vote no to that part. I would also like to -- I would also -- I want an anti-lobbying ordinance in the city. Mr. Scarborough came to us last week and said that staff wanted not just to be looking at Alo ordinance in a vacuum but to look at it in a wider perspective, which I support because it makes sense to me. We shouldn't have or lobbying ordinance being drafted by any subset and we want to make sure that it applies across the board. So for that reason, I would vote no to lobby part two, but I also don't want to just leave news the situation where we're not going to have a lobbying ordinance, I'd like to have the default being we actually have to act on this in six months to bring it back to decide something so the default would be we'll have to keep working because if we don't do this then the old ordinance comes back.

[10:12:55 PM]

That gives us six minutes to come back with something that's right.

>> Alter: Six months.

>> Mayor Adler: Which sounds like we could do that. Well, I'm not sure would your --

>> Casar: [Off mic]

>> Mayor Adler: I would amend -- what I'll do -- I would do that after. I would move to amend it to strike two after we consider your -- I don't think I can amend your amendment to do that. I have to stay within

part three on your issue now. So that's how I would vote absent someone convincing me otherwise. Ms. Pool.

>> Pool: Thanks. I think that that's a good recitation of what we have in front of us, and I agree with the way you've laid that out, and I would also point out that staff did say that they would -- they thought that six months they could get us something back. I really want to have this thing buttoned up and finalized and answered and I want to reinstate the no act anti-lobbying ordinance across the board. We've all felt that way from the very beginning. It's just that the problems have been so thorny and sticky we haven't been able to get there and with the additional time I think -- I have to hope that we will. So putting a deadline on it, a time line, and then having the existing one that we have waived go back into effect, it kind of just set that as an additional parameter and it may indeed force us to have that finality. I think in the end we probably would end up having to have that conversation anyway. So we can fast forward it and I would support the amendment based on the mayor's discussion of what councilmember Casar is saying, while voting against the other part of item 50.

>> Mayor Adler: What is in front of us is amending part three to say in 180 days the old ordinance comes back. I'm sorry, what?

>> Casar: Not the old ordinance, the anti-lobbying ordinance.

[10:14:57 PM]

So it would be whichever anti-lobbying ordinance we have at that point. So by default right now it would be the old one but if we came up with an old one --

>> Mayor Adler: It would be the new one.

>> Pool: Thank you for the clarification. I did think you meant the one we were trying to change.

>> Mayor Adler: Any further discussion on that amendment? Okay. Those in favor of it please raise your hand. Those opposed. That's everybody. I would now move to strike part two. Is there a second to that? Councilmember Kitchen seconds that. Is there any discussion? For me, it's just that a lot of questions I had, I still have. I -- maybe it's because I wasn't on that working group, but I still have all those questions. Any further discussion? Yes, councilmember Garza.

>> Garza: I don't think this can be an amendment, but there were several requests that we state that we do not want to be lobbied on this current open contract, and I don't know that it takes each of user interface going down the dais saying that but I do not want to be lobbied on this contract.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'll repeat what I said in work session. To me it's not whether or not I have faith in my colleagues' ability to resist the allure of lobbyists. It's more than when a bidder for a contract thinks they have to lobby or thinks they can gain an advantage by lobby, something is paying for those lobbyists and that gets built into the contract and that is the place that I come from to this point. Part two. I thank councilmember alter for bringing it forward. I don't -- I think we are in a difficult position as a result of this anti-lobbying ordinance but I think there are reasons that we're put in this position that -- I would love to lay out right now if I were in a better state of mind but I'm not so the folks who know who I'd be talking about can rest easy for at least this week.

[10:17:05 PM]

>> Mayor Adler: Mr. Scarborough, did you move up because you wanted to say something?

>> Just a point of clarification. Staff is not taking a position in this discussion, but I did want to point out and a couple of my colleagues pointed out to me after the work session that the no contact would apply not only to the members of council and mayor, but also to city officials and to city staff members. So we just wanted to point out while you may agree that do you not or are not receptive to lobbying, the anti-lobbying would not apply to boards and commission members and it would not apply to city staff. So I just wanted to make that clarification.

>> Mayor Adler: I understand. It's been moved and seconded. Does anybody have been any further discussion on omitting part two? Councilmember alter.

>> Alter: I'm glad that we have an opportunity to decide whether we want the Alo to apply to the biosolids in a modified form or not. This is the lynchpin contract. This is the one that has been the subject to lobbying. Whether we ask to be lobbied or not, we will be lobbied on this. There will be shenanigans. We know that. There's a track record here of that happening. My concern is in that environment we will not get the competitive bids that our city deserves and I think that the modified Alo that I've proposed along with my cosponsors would offer the protections that are most important here, that would allow people to move forward with a bid. I think that we may not have an Alo back in six months if the same kind of lobbying that we've seen on the Alo happens, and if the same kind of mission creep happens.

[10:19:07 PM]

When you start talking about debarment and appeals processes, Mr. Scarborough has explained it opens up the whole Pandora's box that the entire procurement process, and you have to have consistencies

across different parts of that and it becomes a much larger overhaul, and the kinds of questions that the particular stakeholders from waste management are raising are of the kind that it goes well beyond the Alo. I think it is important to note that we have one company out of 40,000 that is complaining about the Alo. Yes, some others are in there trying to rewrite it, but that does not strike me as surprising if they're given an opportunity to do that. If this portion get struck, I will have some other comments that I would like to make about how we proceed with that Alo revision, but I think, you know, we have to be careful that we are proceeding with policies that leave us in a place where businesses are confident that they are winning business based on the merits of their application and not by who has the largest lobbying budget. And it doesn't -- it is about the perception in the public and the perception of the bidders. Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: So the good news is this is coming back to us on December 14 so we can -- we only have a real short amount of time between now and then. I mean, the contract for approval.

>> Mayor Adler: Take a vote. Those in favor of the amendment to strike part two please raise your hand. Troxclair, Garza, mayor pro tem, Renteria, kitchen, pool.

[10:21:10 PM]

Those opposed? The four others, Casar, Flannigan, alter and Houston voting no. 7-4. That amendment passes. Any discussion on the overall motion here, 50, as amended? Councilmember alter.

>> Alter: Mr. Scarborough, I have some thoughts or questions for you about the process that you're planning for the Alo, and I have some concerns that we make sure that we have some guardrails on this process. How are you envisioning this playing out in terms of how you would approach this from your professional standpoint?

>> Sure. Thank you for the question, councilmember. The feedback that we received from the erc was received shortly before this item came before you. So staff hasn't had much time to react to it. So we would like to take the feedback that we received from the erc, as well as the content of the drafts that were developed outside of the erc by the various representatives of the waste industry stakeholders and to contrast that with what was recommended by the work group and staff recommendations and to consolidate what we can. What we would like to then do is to follow up in a series of discussions with the audit and finance committee to, lay out a path for vetting this consolidated content and then putting together a revised version, a revised consolidated version of the Alo to bring back for council consideration. Certainly that's going to involve putting this new -- this consolidated information out for feedback from the larger vendor community. We would envision that taking at least a month, likely through the end of the holidays, but we feel like with the feedback that we received so far, it has been

predominantly on staff's version, not on the version that had been brought to us by the various representatives of the waste industry stakeholders.

[10:23:28 PM]

And not on the recommendations made by the ERC. We think that content deserves to be considered and feedback provided by the market as well. So we would like to proceed with putting that together, but at the same time checking in with the audit and finance committee to make sure as we proceed they're in concurrence with the approach we're laying out.

>> Alter: So how will you reach out to the 39,996 other companies?

>> We have a very large vendor database, and through our updates to the audit and finance committee, they're aware of we're in the process of cleaning up that database and in so doing we are making a number of notices to all of the vendors and to targeted vendors, vendors that need to update their information, so forth, so we're already actively communicating with all the city's registered vendors so we intend to add to that activity to seek their feedback on the anti-lobbying ordinance. And in fact in discussing this with staff, there are specific elements of the ALO that are most in discussion. That's the beginning of the no-contact period. That's the end of the no-contact period. That's debarment. These are the most discussed and debated elements of the ALO. We would call those elements out specifically and ask for specific feedback on those elements and point out positions that have been put forth thus far to elicit feedback on those positions. This ordinance applies to all of our vendors, and -- we feel like some of the revisions that have been made are moving in the right direction. Some of them need some further discussion. But we think that at a minimum we need to give -- minimum we need to give the rest of our vendor community the opportunity to give feedback on this revised content.

>> Alter: Thank you. I just want to make clear that for myself, I won't speak for the rest of council, I very much hope that you will provide your professional opinion and that this will be something that is based on the knowledge of procurement policy.

[10:25:43 PM]

You'll take stakeholder information into effect, but there will not be writing of this ordinance by the stakeholders directly, that be it will be feedback and vetted and I know you do this anyway, I've just seen what's happened over the last three months in terms of what people have attempted to do, and it scares me. And I want to be very clear that when this comes back it should be representative of what you and your professional opinion, given the stakeholder feedback, you think is the best next step from

us. And I know, mayor, you had some thoughts on that. I'd invite you to share those as well. I think it's really important that we have these guardrails as we move forward.

>> Mayor Adler: That is important to me as well. You know, this is a charged issue, as we've seen now on many sides, and I, too, want to make sure that at the end of the process we get back not only your assessment of what different stakeholders may want, but your independent view, professional view, on what is best for the city is what we want to see. So make sure we get that, please. Councilmember Kitchen.

>> Kitchen: I would echo that. I think it's fair to say that everybody would echo that, and I would hope that there's no implication that -- that councilmembers are not wanting that -- councilmembers or anybody in the community is not wanting that result. We very much value your opinion, as well as the opinion of law, because one of the things that's important -- and I appreciate the participation of our law department -- is -- you know, is how the words are written, you know, and how they're interpreted.

[10:27:44 PM]

And so I'm looking forward to that, too. But I would also like to say that I honor and respect the participation of all the stakeholders, and I am not going to imply that any of our stakeholders have any ill will at hand. So thank you.

>> Mayor Adler: Okay. Vote on the main motion. Those in favor please raise your hands. Those opposed. It's unanimous on the dais. Okay. We'll move on. Let's take the 84. We're in the home stretch now.

>> Yes. .

>> Rosie Truelove, number 84 is an item to conduct a public hearing and consider a resolution for an application to be submitted to the Texas department of housing and community affairs by pathways at Chalmers court for the new construction of a multi-family development to be known as pathways at Chalmers court located at the southwest corner of east 30 street and Chalmers avenue.

>> Mayor Adler: Thank you. We have five people to speak on this, all of them are in favor of this. I'm going to support this. I don't -- I think the will of the council on the dais would probably be to support this. I want to provide some comfort level for the people who are signed up to speak that they don't have to speak, so I would ask my colleagues if there's anyone here that needs convincing to speak up now.

>> Garza: I don't need convincing but they've sat here all day -- sometime.

>> Mayor Adler: I'll give them a chance.

[10:29:45 PM]

I'm not go to tell them they can't.

>> Garza: Okay.

>> Mayor Adler: I want them to know the sense is it will pass.

>> Garza: Okay.

>> Mayor Adler: That said now, we have some people in public speaking and you don't certainly have to speak all the time if you don't want to but we certainly want to give you that chance. We have residents who have waited forever to be here.

>> Yes!

>> Mayor Adler: So as a matter of honor we're going to give you a chance to speak but Gus Pena is first. He's not here. Why don't you go ahead and speak. Introduce yourself, please.

>> Apply, residential president at Chalmers court, I represent the residents at Chalmers. On behalf our residents and community we're asking four your continued support by voting no objection to the resolution of our tax credit application. As you know, the housing authority has made huge improvements our public housing properties here in Austin. Of their 18 properties, 11 properties have significant construction renovations happening. These include new kitchens, bathrooms, central air conditioning, washers and dryers in every unit and the residents are involved in making the decision in every step of the way. To make sure that no resident is displaced while remodeling, haca will build a new 86 unit building directly across the street for half of our residents to move to. Every resident will get to stay at Chalmers and every resident will continue to pay 30% of their adjusted income toward rent. We're excited we'll be able to meet Austin's affordable housing needs by growing beyond our current 158 units. Chalmers has more low-income elderly and disabled people than any other haca property. Many of these people would be homeless if they don't have haca housing. Please continue your support of low-income housing by voting no objection to our tax credit application. Thank you in advance for your support and help to get the new Chalmers built.

>> Mayor Adler: Thank you very much.

>> Thank you very much.

>> Mayor Adler: Thank you all for coming.

[Applause] Does anyone else want to speak?

[10:31:46 PM]

Ms. Gerber, do you want to speak?

>> Thank you very much for your support of rad and Chalmers. We appreciate it.

>> Mayor Adler: Thank you. Anyone else want to speak? Is there a motion to approve the item and close the public hearing? Mr. Renteria makes the motion, seconded by Ms. Houston. Any further discussion.

>> Renteria: Mayor, I want to say arbitration I want to thank the residents of Chalmers. I really apologize for keeping y'all up so late but I really am grateful that y'all show up and showed your support for this very important project.

>> Thank you very much. Thank you.

>> Mayor Adler: Thank you. Those in favor please raise your hands. Those opposed. Those abstaining. Troxclair abstains, others vote aye. It passes. 10-0-1.

[Applause]

>> Mayor Adler: Go ahead.

>> Item number 85 is an item to conduct a public hearing and consider a resolution regarding an application to be submitted to the Texas department of housing and community affairs by elysium grand for the new construction of an affordable multi-family development to be known as elysium grand located at 3300 oak creek drive.

>> Mayor Adler: Thank you. We have folks that have signed up to speak. I want to give them a chance to do that. Is Joanne brettle here? Do you want to come on up? Is Brad parsons here? Brad parsons? You have three minutes.

>> Good evening, mayor, mayor pro tem, councilmembers. My name is Joanne brettle. I apologize, it's allergies. My neighborhood association received information about sage brook, the developer for the proposed project in our area. After we searched public records we felt it was imperative that we provide you the information we just passed out to you so that you or the city's legal department could take a deeper look into this matter. There are intricate and complex advertise between sagebrook and pinnacle, a number of principals associated with pinnacle with involved in legal issues regarding their project in the state of Florida that you may want to research before making any decision on this matter before you today.

[10:33:59 PM]

A postponement on taking any action would allow for a period of due diligence that seems to be in order given the seriousness of the legal matters involved. I can take any questions. Of course the person that's an expert on this was not able to attend tonight, so I'll do the best I can.

>> Mayor Adler: Very good. Thank you very much.

>> Thank you for your time and your attention.

>> Mayor Adler: Next speaker is Lisa Stevens. Is Dave Anderson here? You'll be on deck.

>> Good evening, mayor, mayor pro tem, council. Thank you for having me. I'm Lisa Stevens with sagebrook development, here on behalf of the applicant and I'm happy to answer any questions you may have about the material that was put in front of.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks, mayor. This is in district 7, and I don't know if Lisa is the one who would want to answer the concerns that the neighbors have passed out or our neighborhood housing community development staff, but my understanding is that while sagebrook had partnered with pinnacle in past they have since separated and haven't started any new projects with pinnacle since 2015. My staff actually looked into this several months ago after sagebrook -- sagebrook alerted us to these issues about their former -- the issues that their former partners were facing, and so I appreciate they're being forthcoming and upfront about this so this is an opportunity to respond officially and publicly. So thank you. Please, mayor, could she go ahead and respond? Thanks.

>> Thank you, councilmember pool. You are correct. This was a former relationship that we had dating back two years now, since 2016 sagebrook has not partnered with any of the folks that are listed in the materials that you have. They are not involved with this transaction that is in front of you, elysium grand. They will not be involved in that transaction. It is strictly sagebrook is owned 100% by myself and I have a project manager Megan lash which a lot of you are familiar with and this project is she and I along with a local Austin developer of affordable housing that you know very well that has provided 6,000 units here in the city.

[10:36:19 PM]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you. Dave Anderson and the last speaker will be David king. You're fine? Mr. King?

>> Thank you, mayor, mayor pro tem, councilmembers. I'll be really brief. I just wanted to point out I've been up here previously talking about these tax credit financing programs for affordable housing, and the United States senator grassly is running an investigation of these programs because some of them don't work out. They come in and say they're going to build these nice projects with nice materials and

then when they go and they get the funding and then when they go and do the construction, they don't use the materials that they said they would use initially. So they cut corners and they don't build what they said they would initially. I'm not saying that's going to happen in this case. I am not even speaking against this project. So just to be clear, I'm not speaking against the project. I'm simply talking about the tax credit program itself has problems and concerns that have been occurring in other cities. So what I would like to ask is, what is the city's policy in looking at these programs that have been done here in Austin? Have they been -- have they produced and constructed the projects they were supposed to? And if not -- and maybe this is not important to the council. You know, I know it's late. But I -- are we going to have learn this the hard way by approving one of these projects and then having a project go south like has happened as was said earlier in Florida? We've seen these warning signs. All I'm asking for is what's the city's process in holding these projects accountable to what they say they're going to do? Are we looking back to see? What happened? If these projects -- this is funding for low-income housing, for affordable housing, which we say is a priority in this city. And it seems like that no one -- now we're going to wait until something happens and then we'll do something about it.

[10:38:24 PM]

I'm simply asking what are we doing right now to see -- to monitor those projects. That's all I'm asking. What are we doing? Thank you.

>> Mayor Adler: Thank you. All right, is there a motion to close the public hearing and approve this item 85? Councilmember pool makes that motion. Is there a second to that motion?

>> Pool: Thank you.

>> Mayor Adler: Mr. Renteria seconds. Any discussion? Though those --

>> Houston: I would like to ask Ms. Truelove, what do we do to monitor these kind of issues?

>> I'm going to bring up David potter to help respond to that question.

>> Councilmember, what we are doing tonight is just providing a resolution of no objection that they will submit to their application to tdhca, the department of housing and community affairs. And I can tell you that tdhca has a fairly rigorous process which once a project is finished, they go through something called cost certification, where they, you know, go back and review all the costs and where the materials -- were the materials used that they said were going to be used and so on and so forth. So it's really not the city that monitors that. It's the state's program, and they do a pretty good job of monitoring that. Mr. Gerber might be able to confirm that, so thank you.

>> Houston: Thank you.

>> Mayor Adler: All right. It's been moved and seconded. Further discussion? Councilmember pool.

>> Pool: I also wanted to point out because the concerns had been raised my staff went out and visited the various projects and they found them really well managed and they -- that the promises were kept and that they were extremely well done. I'm really keen on the permanent supportive housing piece that is supposed to -- that will be in this development, and I just want to remind my colleagues that that's a really important piece to the -- this part of the city and this development.

[10:40:27 PM]

>> Mayor Adler: Okay. Anybody else further discussion? Close the public hearing and to approve the granting of the letter. Okay. Both. Yes, Ms. Troxclair.

>> Troxclair: Do you have a copy of this that was just handed out to the council from the neighbor?

>> I don't have it in front of me, no.

>> Troxclair: Okay.

>> But I think it was provided to us earlier.

>> Troxclair: Okay. I mean, I've just gotten it so I haven't had a chance to read the whole thing, but it does seem like there was a connection between the applicant and the other developments that ultimately involved government theft in Florida, so I just -- I'm assuming that the council is going to pass this, but I would like for you to at least be aware of the information so that you can follow up on it or look into it.

>> Yes. We do actually have a response we received from the attorneys representing elysium that we can certainly share with mayor and council.

>> Troxclair: Okay.

>> Mayor Adler: Why don't you go ahead and do that.

>> Yes, will do.

>> Mayor Adler: All right. Take a vote. Those in favor please raise your hand. Those opposed. Those abstaining. Troxclair abstains. Others voting aye. Councilmember alter is off the dais. It is --

>> Houston: Mayor, [we leave,] We leave, point of personal privilege, this is Doug's last night with us.

>> Mayor Adler: Oh, no.

>> Houston: He's leaving, going to Virginia, I didn't want him to get out of here without saying goodbye to him.

>> Mayor Adler: Goodbye, Doug.

[Applause] And with that -- Ms. Troxclair.

>> Troxclair: I think that we had a birthday on the dais last week and I do not remember us recognizing it. So I just wanted to take a moment and wish councilmember Houston happy birthday.

[10:42:28 PM]

>> Mayor Adler: Wait, let's sing happy birthday in abstencia. Are we ready?

♪♪ Happy birthday

[applause]

>> Mayor Adler: It is 10:42 and this meeting is adjourned. Ah, she heard it after all.

>> Houston: And y'all need to keep your day jobs.

[Laughter]